Bombay Government

Regulations Vol. I.

1—16

1827

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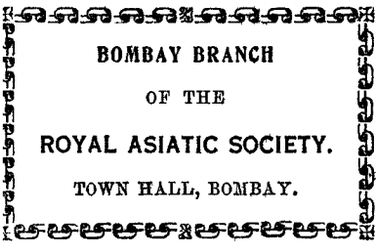

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Bombay Government Regulations
Vol. I 1827 Regulations 1-16

(Index of these regulations is bound with Vol. 3).

Ex-i-2

108520

Preliminary Regulation.

A. D. 1827. REGULATION 1.

A REGULATION *for forming into a regular Code all rules that may be enacted for the internal government of the Territories subordinate to the Presidency of Bombay,*—PASSED *by the Governor in Council on the 1th January* 1827, *corresponding with the 4th Poush Sood Sumbut or Vikramajeet Era* 1883, *Salbahan* 1748, *and 2d Jummad-yool Akhir* 1242 *of the Hijree.*

Consisting of four *(4)* Chapters, as below :

NUMBER OF CHAPTER.	TITLE.	COMMENCING SECTION.
I.	*Rescission of former Regulations*.....	I.
II.	*Forms of framing and publishing Regulations*.....	II.
III.	*Application and effect of Regulations*...	VI
IV.	*Rules for suspending the force of Regulations and resorting to Martial Law, in cases of necessity*.....	VIII.

Regn 1 of 1827 Preamble. "The Regulation hereafter passed" was Regn 28 of 1827. Vide Note on Sect. 6.

Regn 1 of 1827 Chap 1. All previous regulations having been rescinded, the Collector of Surat wished to know how the duties provided in Regulation 2 of 1815, were to be conducted. He was informed that the Regulation he referred to had been intentionally omitted, and it was considered best to receive the Collectors recommendation on the subjects in question and not to have a regulation established.

Sect to Govt 14th June 1828.

Preamble Legislative authority passed from the Bombay Govt, and was vested in the Governor General of India in Council by 3 & 4 William 4 c. 85.

(Preliminary Regulation.)

REGULATION I, A. D. 1827.

A REGULATION *for forming into a regular Code all rules that may be enacted for the internal government of the Territories subordinate to the Presidency of Bombay.*—PASSED *by the Governor in Council on the* 1*st January* 1827, *corresponding with the* 4*th Poush Sood Sumbut or Vikramajeet Era* 1883, *Salbahan* 1748, *and* 2*d Jummadyool Akhir* 1242 *of the Hijree.*

Preamble.

WHEREAS it is essential to good government, to the full and certain attainment of the advantages of experience in legislation, to public prosperity, and to the security and happiness of the Subjects of the State, that the rules, by which the administration of the country is conducted, should be publicly known, it has therefore been deemed expedient, that all Regulations, which may be passed by the Government of Bombay, affecting in any respect the rights, persons, or property of its Subjects, and the reasons for passing the same, should be published with translations in the native languages, and formed into a regular Code, and that such Regulations should be of paramount authority on the points which they determine, to all other acts, orders, or measures of Government; and whereas, from the year 1799 to the present period, various Regulations have been passed in accordance with these views by the Governor in Council, which it has been resolved to consolidate, with such alterations as have been approved, into a more perspicuous and convenient form, the following rules have therefore been enacted, to have effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose.

CHAPTER 1.

RESCISSION OF FORMER REGULATIONS.

Former Regulations rescinded; Exceptions.

All Regulations issued prior to 1st January A. D. 1827 are rescinded, except those maintained in force for a temporary purpose by Regulation XX, A. D. 1827.

CHAPTER 11.

FORMS OF FRAMING AND PUBLISHING REGULATIONS.

Divisions of the Code, Branches,

SECTION 11.—*Clause* 1*st.*—The Code shall be composed, in addition to the subject of the present Preliminary Regulation, of Branches descriptive of the principal subjects of legislation.

Regulations how to be marked, and numbered.

Clause 2d.—Each Regulation shall be marked with the date of the day and year in which it was passed, and shall be numbered according to its order in the Regulations of the year; and, if it be upon the subject of any former Regulation, it shall further be described and numbered as a Supplement to such Regulation. It shall also, unless it be a Supplement to the present Regulation, bear on the commencement of it a specification of the Branch of the Code to which it belongs.

When as Supplements

According to forms given.

Clause 3d.—Examples of the forms prescribed in the preceding clause will be found in Appendix A.

Each Regulation to have a Title and Preamble,

Clause 4th.—Each Regulation shall have a Title expressing concisely its subject, and a Preamble stating the reasons for enacting it.

and to be divided when necessary into Chapters, and composed of Sections and Clauses,

Clause 5th.—Each Regulation shall be divided, if requisite, into Chapters, and shall be composed of Sections numerically arranged, the numeration being continuous throughout the Regulation, and, when convenient, a subdivision into Clauses shall be used, which shall also be numerically arranged; Forms, Lists and Explanations may be added in Appendixes alphabetically distinguished,

and to be furnished with Appendixes when necessary.

Each Chapter to have a title, and each Section and Clause a marginal abstract.

Clause 6th.—The subject of each Chapter shall be concisely and conspicuously stated at the commencement, and the subject of each Section and Clause shall be stated in the margin.

List of the Regulations, to be made,

SECTION III.—The Court of Sudder Adawlut shall draw out and forward on the 1st February of each year to the Governor in Council for publication, a List, according to the form contained in Appendix B, of the Titles of all Regulations, including the Titles of their respective Chapters, which may have been published previously to the preceding year, the number of the Section with which each Chapter commences being also specified with the Title of the Chapter; the Regulation shall be arranged in the List according to their dates and numbers in the Code, except that Supplementary Regulations shall be entered immediately after the Regulations to which they are supplementary: in a separate column opposite to the Title of each Chapter or Regulation shall be inserted any rescission that may have been made, specifying the particular part (if partial) by reference to the numbers of Chapters, Sections, or Clauses, as the case may be, and referring in the same way to the rescinding enactment; but, if a whole Regulation has been rescinded, it shall not be necessary to enumerate the Chapters or their Titles. A copious Index to the Code will also be published periodically under the directions of Government: but neither the List nor Index shall be of any force as an enactment.

Rescission how to be entered in the list.

An Index also to be published, but the list and index have no force as law.

Regulations how to be translated and published.

SECTION IV.—The Code shall be translated by such persons as the Governor in Council may appoint, into such languages as may be required for the use of each district; and copies of the Translations shall be kept at each Zilla Court, to be inspected by any one who may desire.

1 Section 6. The regulations bringing the regulations into force are

Regn 28 of 1827 in the Bombay Territories before subject to the Regulations

Regn 29 of 1827 in the Territories acquired from the Peshwa in the Dekhan and Khandesh.

Regn 10 of 1830 in Chicklethan and certain other villages in Khandesh.

Regn 7 of 1830 in the Peshwa's Territories in the Southern Mahratta country.

Regn 14 of 1830 in the territory in the Mahabuleshwur Hills.

Regn 2 of 1834 in certain villages ceded by Angria Sirkeil

Act 8 of 1839 in the Jagheer of Chinchnee

Act 6 of 1842 in certain villages of the Nepaunee Jagheer.

Act 10 of 1848 in the State of Mandvee

Act 8 of 1853 in the State of Colaba (8 of 1853)

Act 11 of 1846 exempts certain villages in the Province of Khandesh Zilla Ahmednuggur from the Regulations.

How new ones may be proposed by public authorities, and how they may be framed and published.

SECTION V.—Public authorities holding direct communication with Government, should they deem new enactments necessary, are to submit the same (but not in the shape of a Regulation) with their reasons for recommending them, to the Governor in Council, through the medium of the Court of Sudder Adawlut, which in forwarding them, will add such observations as it may conceive to be useful. The framing and publishing of Regulations in the prescribed mode will be conducted under the orders of the Governor in Council.

CHAPTER III.

APPLICATION AND EFFECT OF REGULATIONS.

Time and place of Regulations taking effect.

SECTION VI.—Regulations are to be in force at such places and from such periods as may be declared in a Regulation actually in force.

Regulations how to be construed:

SECTION VII.—*Clause 1st.*—One part of a Regulation is to be construed consistently with another, so that the whole may stand:

the interpretation of the law when in force reserved to the Government for two (2) years.

Clause 2nd.—And that the Code to be now framed may not be construed by that hitherto in use, with which the local Authorities have been long familiar, the Governor in Council reserves to himself, for a period of two (2) years after the commencement of the operation of the new Code, the privilege of declaring the meaning of the law, and such meaning, declared and promulgated, as Government may direct, shall be the legal interpretation:

and then vested in the Sudder Adawlut.

Clause 3rd.—After the said period of two (2) years the interpretation of the law shall be vested in the Sudder Adawlut.

CHAPTER IV.

RULES FOR SUSPENDING THE FORCE OF REGULATIONS AND RESORTING TO MARTIAL LAW, IN CASES OF NECESSITY.

Suspension of Civil and Criminal Law.

SECTION VIII.—In case of war or rebellion, the Governor in Council may, by Proclamation made in such manner as he may deem advisable, direct Civil and Criminal Law to be suspended at such places and for such period, while the war or rebellion continues, as he may think necessary for the public safety.

during which period acts of treason and rebellion may be tried by Court-martial,

and punished with death:

SECTION IX.—During the suspension of law as above mentioned in the preceding Section, the Governor in Council may order acts of treason or rebellion against the British Government committed during such period by persons owing by birth or residence allegiance to the said Government to be tried by Court Martial, and any person so tried and convicted shall be liable to the immediate punishment of death.

And other crimes as Government may direct.

SECTION X.—During the suspension of law as above mentioned, the trial and punishment of crimes and offences not included in the preceding Section, and the general police of the country shall be conducted as the Governor in Council may prescribe for the occasion.

Government may at its option reserve offenders for trial in the ordinary way.

SECTION XI.—The Governor in Council may, at his option, instead of following the course authorized in the two preceding Sections, cause to be reserved for trial by the ordinary course of law when restored, any person charged with having committed any of the offences specified in the above quoted Sections, during the suspension of the ordinary law, and such person shall be amenable to such trial, in the same manner, as if the offence had been committed while the ordinary law was in force.

APPENDIX. A.

No. 1.—Form of heading for a Regulation upon a new subject of legislation.

Branch

A. D.—— Regulation——

No. 2.—Form of heading for a Regulation upon the subject of a former Regulation.

*Branch

A. D.——Regulation.——

Supplement 1. 2. 3. (or as the case may be) to Regulation——A. D.—

APPENDIX B.

Regulation I, A. D. 18—

Passed on the———of——

For forming into a regular Code all rules that may be enacted for the internal government of the British Territories under the Government of Bombay.

Chapter I. Commencing with Section I.	Rescission of former Regulations.	
Chapter II. Commencing with Section II.	Forms of framing and publishing Regulations.	Section III. has been rescinded by Section VI, Regulation V, A. D.
Chapter III. Commencing with Section VI.	Application and effect of Regulations.	

* To be omitted if the Regulation be a Supplement to the Preliminary Regulation,

Chapter IV. Commencing with Section VIII.	Rules for suspending the force of Rugulations in cases of necessity.	Section XI. has been rescinded by Section I, Regulation III, A. D.

Regulation III. A. D. 18

(Supplement 1, to Regulation I, A. D.——)

Passed on the——of——

To rescind Section XI. of that Regulation and substitute other rules on its subjects.

Regulation V, A. D. 18

(Supplement 2 to Regulation I, A. D.——)

Passed on the——of——

For altering the rules for forming Regulations and suspending the force of them.

Chapter I. Commencing with Section I.	Additional rules for framing Regulations.	
Chapter II. Commencing with Section X.	Additional rules for suspending the force of Regulations in cases of necessity.	

Regulation II. A. D. Passed on the——of—— To establish rules for levying duties on the manufacture of salt.	This regulation has been rescinded by Section I. Regulation VIII. A. D.

(Branch of Civil Judicature.)

REGULATION II. A. D. 1827.

A REGULATION for defining the Constitution of Courts of Civil Justice, and the Powers and Duties of the Judges and Officers thereof.—PASSED by the Governor in Council, on the 1st January 1827, corresponding with the 4th Poush Sood Sumbut, or Vikramajet Era 1883, Salbahan 1748, and 2nd Jummadyool Akhir 1242, of the Hijree.

Consisting of six (6) Chapters, as below:—

Number of Chapter.	Title.	Commencing Section
I.	Of the Supreme Court of Suddur Adawlut.....	I.
II.	Of Zillah Courts, inclusive of the Subsidiary Courts of the Assistant Judges.....	XVI.
III.	Of the Appointment, Removal, and Punishment of Officers of Courts	XXXIV.
IV.	Of Courts of Commissioners for deciding Civil Suits.....	XXXVII.
V.	Of Courts for the recovery of Debts due by British Subjects.	XLV.
VI.	Of Pleaders	XLVII.

(Branch of Civil Judicature.)

REGULATION II. A. D. 1827.

A REGULATION for defining the Constitution of Courts of Civil Justice, and the Powers and Duties of the Judges and Officers thereof.—PASSED by the Governor in Council on the 1st January 1827, corresponding with the 4th Poush Sood Sumbut or Vikramajet Era 1883, Salbahan 1748, and 2nd Jummadyool Akhir 1242, of the Hijree.

Preamble.

WHEREAS it is essential to the due administration of the laws, and to the ends of good government, that the constitution of Courts of Justice, and the powers and duties of the Judges and Officers thereof, should be defined and promulgated, the following rules are therefore enacted, to take effect from such date as shall be prescribed in a regulation to be hereafter passed for that purpose.

CHAPTER I.

OF THE SUPREME COURT OF SUDDUR ADAWLUT.

Constitution of the Suddur Adawlut, and its Civil Designation.

SECTION I.—*Clause 1st.*—There shall be a Supreme Court or Suddur Adawlut, the seat of which shall, on being fixed or changed, be made known by proclamation issued from Government; the said Court shall be vested with Civil jurisdiction over all the territories subordinate to the Presidency of Bombay, in which the Code of Regulations has operation by enactment, and shall, in the exercise of such jurisdiction, be denominated "*Suddur Dewanee Adawlut.*"

The Court how composed.

SECTION II.—The Court shall consist of three or more Judges, the senior to be denominated "*Chief Judge,*" and the others "*Puisne,*" or "*Second,*" "*Third,*" "*Fourth,*" &c.

Its Seal.

SECTION III.—*Clause 1st.*—The Court of Suddur Dewanee Adawlut shall use a circular seal two inches and a quarter in diameter, bearing in the English, Mahratta, Guzerattee, and Persian languages the following inscription: "*Suddur Dewanee Adawlut of Bombay.*"

Where to remain.

Clause 2nd.—The seal shall remain in the custody of the Register of the Court.

Oaths of the Judges.

SECTION IV.—Each Judge, previously to exercising any of the functions of his office, shall take and subscribe before the Governor in Council, or any person whom he may commission to administer it, the oath contained in Appendix A.

The Court to receive Appeals, and revise and rectify the Proceedings of Inferior Tribunals:

SECTION V.—*Clause 1st.*—It shall be the duty of the Suddur Dewanee Adawlut to hear and determine appeals against decrees and orders passed in the Zilla Courts, and in certain cases to enforce the hearing of suits and complaints by such Courts, to enjoin an adherence to forms of proceeding prescribed by the Regulations when neglected or infringed, and to give such directions, with respect to forms not provided for by the Regulations, as it may deem expedient.

Also to call for, and regulate such Proceedings.

Clause 2nd.—It shall also be competent to the said Court to call for the proceedings of any subordinate Civil Court, and to issue such orders thereon as the case may require.

To remark and report Misconduct of Judges and their Assistants.

SECTION VI.—*Clause* 1*st.*—It shall further be the duty of the Suddur Dewanee Adawlut to examine into, and point out and remark on, and, if necessary, report to the Governor in Council, any acts of negligence or misconduct on the part of the Zilla Judge, or any other covenanted servant employed in a Court of Civil Justice.

To try Cases of Misconduct of Native Officers of Court.

Clause 2*nd.*—To investigate charges of negligence or misconduct preferred against any native officer of the Court, or to refer the charges to one or more of its members for the purpose, and, if considered advisable, to employ against such officer the powers vested in it for his suspension or dismission.

Or to direct the Judge on Circuit to try them.

Clause 3*rd.*—To direct the Judge on Circuit to investigate all similar charges preferred against any Kazee commissioner for deciding civil suits, or pleader, or against any law officer; and if the report of the Judge on Circuit convince the Suddur Adawlut that the alleged offence has been committed, to report, in the case of a Kazee, the circumstances to Government, and in the case of any other of the abovementioned officers, to employ against the individual accused the power vested in it for his suspension or dismission.

The Complainant having applied in vain to the Zilla Judge.

Clause 4*th.*—But, before any measures be adopted as authorized in the preceding clauses, the person preferring the complaint (if the case shall not have been received from the Zilla Judge) shall make oath that he applied in the first instance to the Judge of the Zilla to which the offender belonged, and failed to procure redress; and, if the Judge on Circuit shall discover during the investigation that such application was not made, or that it was made and met with suitable attention, he shall cease from further proceedings, and acquaint the Suddur Adawlut of the same.

Power of Arrest in Bombay granted to the Suddur Dewanee Adawlut by Act of Parliament.

SECTION VII.—By the provisions of 53rd Geo. III. Chapter 155, Section 113, the Suddur Adawlut is vested with authority to execute all manner of lawful process of arrest within the limits of the town and island of Bombay, on persons subject to its jurisdiction, provided that such process shall be in writing, and that a translation of it, or of its substance, signed by one of the Judges of the said Suddur Adawlut, shall be under-written, or endorsed thereon, or annexed thereto.

The Court to forward to Government, when required, its own Proceedings, or those of other Courts.

SECTION VIII.—*Clause* 1*st.*—The Suddur Dewanee Adawlut shall, on demand from the Governor in Council, furnish copies of its own proceedings, or those of any subordinate Court, on any subject which may be required.

Also Returns.

Clause 2*nd.*—The Suddur Dewanee Adawlut shall also forward to the Governor in Council such returns of suits, filed or decided, or of any other judicial matters, as may be required by the latter authority, whether the returns relate to business transacted in the Suddur Dewanee Adawlut, or any Court subordinate to it.

A Court formed by three or more Judges for trying Appeals in the Second Instance.

SECTION IX.—*Clause* 1*st.*—Three or more Judges of the Suddur Dewanee Adawlut shall constitute a Court for the trial of appeals requiring such tribunal, under the provisions of Section X.

For other purposes two Judges suffice. But if they differ in opinion, a third must sit.

Clause 2*nd.*—For other purposes, two or more Judges shall constitute a Court: if two Judges only sit, and they concur, their act shall be the act of the Court; but if they differ, the opinion of a third Judge shall be requisite, and decision shall be according to the majority of voices.

Decision how made when the voices of four Judges are equally divided.

Clause 3*rd.*—If four Judges sit, and the number of voices is equal, the Senior Judge shall have the casting voice.

And when more than four Judges sit.

Clause 4*th.*—If more than four Judges sit, the decision shall be according to the majority of voices, but if the number of voices is equal, the Senior Judge shall have the casting vote.

Referring Judge's opinion a Vote.

Clause 5*th.*—But in any matter referred to the Court by one of the Judges, his recorded opinion shall be considered as a vote.

Appeals tried by one Judge.

SECTION X.—*Clause* 1*st.*—All appeals to the Suddur Dewanee Adawlut shall in the first instance be referred by the Court to one of its Judges, who shall pass judgment therein, provided such judgment confirm the decree appealed from.

Clause 2nd.—But if the Judge is not prepared to confirm the decree, he shall record his opinion that a full Court is required; and the suit shall thereafter be tried by a Court consisting of any three or more Judges of the Suddur Dewanee Adawlut. — In what cases reserved for Trial by the Court.

SECTION XI.—*Clause 1st.*—The Court shall have a Register, and one or more Assistant Registers, who, previously to entering on the duties of their offices, shall take and subscribe in open Court the oath contained in Appendix B. — Appointment and Oaths of the Register and his Assistants.

Clause 2nd.—The duty of the Register shall be to file all appeals, receive and mark all pleadings, exhibits, and other papers in suits, and to receive and file all papers which may be brought into Court. — The Register to file Appeals and Official Papers.

Clause 3rd.—The Register shall keep the minutes of the Court, shall prepare and sign all orders, precepts, and all other process issuing from the Court, and prepare decrees for the signature of the Judges. — To keep the Court's Minutes, sign its Processes, and prepare its Decrees.

Clause 4th.—It shall further be his duty to take depositions out of Court when so authorized, and generally to perform all such official acts as the Court may direct. — To take Depositions, &c.

Clause 5th.—He shall also have charge of the general records. — And to keep the Records.

Clause 6th.—The Assistant Registers shall be denominated "*First*," "*Second*," &c. as expressed by their respective orders of appointment; they will assist the Register in the performance of his duties, and the highest Assistant present will act for him in his absence. — Duties of the Assistant Registers.

SECTION XII.—*Clause 1st.*—There shall be placed under the orders of the Register such number as may be requisite of Serishtadars and Record-keepers. — Appointment of the Serishtadar and Record-keeper.

Clause 2nd.—The duties of the Serishtadar shall be to take down depositions, prepare rules, orders, and other process, examine accounts, and make translations or copies of papers, &c. in the different languages used in the Court, — Duties of the former;

Clause 3rd.—The duties of the Record-keeper shall be to assist the register in keeping and arranging the native records, — And the latter.

Clause 4th.—Previously to entering upon the duties of his office, each Serishtadar and Record-keeper shall take and subscribe in open Court the solemn declaration contained in Appendix C. — Their Declarations.

SECTION XIII.—*Clause 1st.*—The Court shall have such establishment as Government may deem necessary, of Hindoo and Mohummudan law officers. — Law Officers.

Clause 2nd.—Previously to entering upon the duties of their respective officers, they shall take and subscribe in open Court the solemn declaration contained in Appendix C. — Their Declarations.

Clause 3rd.—It shall be the duty of the law officers to attend the Court, and to give answers, either verbally or in writing, under their signatures, to such questions, on points of their respective laws, as may be required, and further, to perform such duties as the Court may deem connected with the functions of their offices. — And Duties.

SECTION XIV.—*Clause 1st.*—The Court shall have a Nazir, with such number of inferior officers as the extent of his business may require. — The Nazir and his inferior Officers.

Clause 2nd.—Previously to executing any of the functions of his office, the Nazir shall provide two sufficient securities, who shall enter into a bond in such sum as the Court may judge necessary, binding themselves to be answerable for his faithful discharge of his duties, according to the form contained in Appendix D. — Security to be furnished by the Nazir.

Clause 3rd.—He shall also take and subscribe in open Court the solemn declaration contained in Appendix C. — His Declaration.

Clause 4th.—It shall be the duty of the Nazir to serve summonses, to take securities, to execute orders, and generally to fulfil such instructions as he may receive from — And Duties.

the Court, returning the precept containing the same, with an endorsement specifying the manner in which they were executed, or the cause that has prevented their execution.

Administrator Oaths.

SECTION XV.—The Court shall have, for the purpose of administering oaths, such establishment as may be deemed requisite of duly qualified persons of different persuasions.

CHAPTER II.

OF ZILLA COURTS, INCLUSIVE OF THE SUBSIDIARY COURTS OF THE ASSISTANT JUDGES.

Appointment of a Judge

SECTION XVI.—*Clause* 1*st.*—There shall be a Judge in each zilla, who shall preside over the Court of Adawlut, and have general control over the establishment annexed thereto.

In each of the Zillas under Bombay, which may be altered by Government Proclamation.

Clause 2*nd.*—The zillas at present established under the Presidency of Bombay are as specified in Appendix E, but it is hereby enacted, that their number and respective limits may at all times be altered by proclamation by Government, provided that no territory shall be rendered subject to the Regulations except by Regulations.

His Court where to be held.

SECTION XVII.—The Judge shall ordinarily hold his Court at the Suddur Station, but, if circumstances render it necessary, he may, with the permission of the Suddur Adawlut, hold it by adjournment, at any other place within the zilla.

His Seal.

SECTION XVIII.—Each Zilla Judge shall use a circular seal one inch and three quarters in diameter, bearing the following inscription in English and in the language and character of the country in which he holds his Court: "*Court of the Zilla of*——."

His Oath.

SECTION XIX.—The Judge, previously to exercising any of the functions of his office, shall take and subscribe before the Governor in Council, or any person whom he may commison to administer it, the oath contained in Appendix A.

An Acting Judge, when to be appointed.

SECTION XX.—*Clause* 1*st.*—In case of the absence of the Judge, the Governor in Council may delegate to the Assistant Judge of highest rank on the spot authority for the temporary execution of the whole or any part of the duties of Judge, or appoint any other person to discharge them.

His Oath.

Clause 2*nd.*—The Acting Judge, previously to exercising any of the functions of his office, shall take and subscribe in open Court, before the Assistant Judge of highest rank on the spot, the oath contained in Appendix A, unless the Governor in Council shall himself have administered the oath, or shall have exclusively commissioned any other person to administer it.

Jurisdiction of the Court in regard to the receiving of Suits.

SECTION XXI.—*Clause* 1*st.*—The jurisdiction of the Civil Court shall extend to the cognizance of all original suits and complaints between Natives and others, not British-born subjects, respecting the right to moveable or immoveable property, rents, Government revenues, debts, contracts, marriage, succession, damages for injuries, and generally of all suits and complaints of a civil nature, it being understood that no interference on the part of the Court in caste questions is hereby warranted, beyond the admission and trial of any suit instituted for the recovery of damages, on account of an alleged injury to the caste and character of the plaintiff, arising from some illegal act or unjustifiable conduct of the other party.

How limited from the nature of the Case.

Clause 2*nd.*—Provided that, in the case of immoveable property, it is situated within the zilla, and that in other cases the cause of action shall have arisen, or the defendant, when the suit commenced, shall have resided as a fixed inhabitant within its limits, but without prejudice to the exemption from the jurisdiction of the Civil Court enjoyed by the Nuwab of Surat, his relations and servants, by virtue of the treaty concluded between the Company and the Nuwab on the 13th May 1800, of the 7th Article of which a copy is contained in Appendix F. to this Regulation.

The Nuwab of Surat's exemption being preserved.

Clause 3rd.—And provided that no decree has been obtained, or that no suit is pending on the matter in dispute in that or any other Court of competent jurisdiction.

From prior or simultaneous Investigation in a competent Court.

Clause 4th.—And provided that the suit be not one of those which come under the civil cognizance of the Collector, as relating to land, its rent and produce, and other similar matters, in pursuance of the provisions of Chapter VIII. Regulation XVII. A. D. 1827.

From the Matter coming under the Collector's cognizance.

Clause 5th.—And provided that if the plaintiff be a British-born subject, not in the service of His Majesty or the Company, and shall reside at a distance of more than ten (10) miles from the Presidency, he shall have conformed to the rules prescribed by 53rd Geo. III. Chapter 155, Section 108th, which directs, that such British subject shall procure certificates from Government of permission so to reside, specifying the place, and whether during the pleasure of Government, or for a limited time, and also that such British subject shall deposit his said certificate in the Civil Court of the respective district within one month after commencing residence therein, and that a copy thereof, attested by the Judge or other authorized officer of the said Court, shall be delivered to the said British subject, and shall be deemed evidence of the certificate on all occasions, unless the contrary be shown; but by the said enactment it is not incumbent for such certificates to be procured if the residence commenced by the 10th April 1814, and the Civil Court is empowered to entertain a suit without any certificate having been filed, if affidavit be made by the party satisfactorily accounting for the same.

From the Plaintiff being a British-born Subject.

Clause 6th.—And provided also, that the suit be not against a person and in a matter belonging to the jurisdiction of either of the Military Courts of Requests constituted respectively by the Act of 4th Geo. IV. Chapter 81, Section LVII., and Regulation XXII. A. D. 1827, Section VII. and that it be not for any matter of the nature described in Section LXVI. of the above quoted Act.

Suits against certain Persons, and for certain Matters, not to be admitted.

Clause 7th.—The Court shall have jurisdiction over British-born subjects to the extent laid down in Chapter V. of this Regulation.

Court's Jurisdiction over British-born Defendants.

SECTION XXII.—The jurisdiction of the Civil Court shall also extend over Collectors of the revenue and customs, and generally over all public officers, whether Europeans or others, within the zilla, for acts done in their official capacity unauthorized by any established Regulation.

And over Collectors and all Public Officers.

SECTION XXIII.—The jurisdiction of the zilla Judge shall further extend to the cognizance, by appeal, of suits previously tried by an inferior Court, as specified in Regulation IV. A. D. 1827, Section LXXII.

Judge's Appellate Jurisdiction.

SECTION XXIV.—It shall be the duty of the Judge to inspect the proceedings of all inferior Courts within the zilla, to see that the forms of proceedings prescribed by the Regulations are adhered to, and to give such directions with respect to forms not provided for by the Regulations, as he may deem expedient.

The Judge to superintend the Proceedings of Inferior Courts.

SECTION XXV.—*Clause 1st.*—It shall be the duty of the Judge to receive all complaints preferred, in writing, charging any European officer attached to the judicial, revenue, commercial, or any other public department within the zilla, with corruption or extortion, to take the oath of the complainant as to the truth of the complaint, and to forward it without delay to the Governor in Council.

To receive and forward to Government Complaints in certain cases against European Public Officers.

Clause 2nd.—It shall also be the duty of the Judge to receive all complaints preferred in writing, charging any of the ministerial or law officers of the Court, or any Kazee, Commissioner or Pleader, with negligence or misconduct in the discharge of his public duty, or with acts of profligacy in his private conduct, to take the oath of the complainant, and if the truth of the complaint should appear to be established, to report, in the case of a Kazee, the circumstances to Government, and in the case of any other of the above mentioned officers, to employ against the individual accused the power vested in him for the suspension or dismissal of such officer.

To try Cases of Misconduct of Native Public Officers under his Control, and report, suspend, or dismiss them, as authorized in the particular Case.

SECTION XXVI.—The Judge shall have the control of the Civil jail of the zilla,

The Judge to have

the Control and Direction of the Civil Jail.

which he shall visit, or depute an Assistant to visit, at least once in each month, and shall issue such orders connected with the economy thereof, and the good management, accommodation, health, and security of the prisoners, as he may deem necessary.

To obey all Orders of the Suddur Dewanee Adawlut, or Judge of Circuit.

SECTION XXVII.—*Clause 1st.*—The Judge shall also obey all precepts or orders issued to him, either by the Suddur Dewanee Adawlut, or by a Judge of Circuit, and shall make a return to every such precept or order, specifying the manner in which it was executed, or the cause that prevented its execution.

And to forward to the Suddur Dewanee Adawlut all Returns that may be required.

Clause 2nd.—The Judge shall also forward to the Suddur Dewanee Adawlut such returns of suits filed or decided, or of any other judicial matters as may be required by the latter authority, whether the said returns relate to business transacted in his own Court, or any one subordinate to it.

But in certain Cases after the Sanction of Government.

Clause 3rd.—But the Suddur Dewanee Adawlut shall not require returns to be made periodically and permanently, without an express order from Government.

Appointment and Oaths of Senior and Junior Assistant Judges.

SECTION XXVIII.—*Clause 1st.*—The Court shall have, if necessary, one or more senior Assistant Judges, and one or more junior Assistant Judges: when there are more than one of either class, they shall be denominated "*First*," "*Second*," &c., as expressed in their respective orders of appointment; previously to entering upon the discharge of their respective duties, they shall take and subscribe before the Judge in open Court the oath contained in Appendix A.

The Duties under ordinary circumstances, and when holding detached and extended Charges.

Clause 2nd.—They shall try and decide civil suits, and perform such other official duties as may be prescribed by the zilla Judge: their proceedings shall be conducted according to the rules provided for the Judge, and they shall use the seal of the Court; they shall hold their Courts at the Suddur station of the zilla, or elsewhere, if the Judge, with the sanction of the Suddur Adawlut, or by order of Government through that Court, shall so direct; a senior Assistant may, under this clause, be stationed by such order of Government within another zilla if found expedient, may in like manner have his judicial jurisdiction enlarged to the extent stated in Clause 6th, and may be vested with special territorial jurisdiction, and with such of the powers of the zilla Judge as may be suitable to the occasion, the requisite instruction being communicated by Government to the Suddur Adawlut, and conveyed to the said Assistant, through the Judge, who will also publish a notification thereof in the language of the district.

The first Senior Assistant at the Station *ex-officio* Superintendent of the Register of Title Deeds and General Register: his absence how provided for.

Clause 3rd.—The senior or first senior Assistant Judge at the Suddur station shall be *ex-officio* Superintendent of the Register of Title Deeds and General Register of the zilla; and in case of his absence, or being otherwise prevented from performing the said duties, they shall devolve upon the Assistant next in rank at the Suddur station.

Absence of the Judge how provided for during a reference to Government.

Clause 4th.—In case of the death of the Judge, or his being prevented from performing his duties by indisposition or other casualty, the first in rank of the Assistant Judges shall report the circumstance to the Governor in Council, and, until otherwise instructed, shall confine himself to the peculiar duties of his office, and the exercise of such part of the powers of the Judge as may be necessary for filing suits, receiving pleadings, or executing process, or for matters of emergency.

Suits which a Judge may refer to his Assistants.

Clause 5th.—The Judge may refer suits not exceeding 5,000 rupees in amount for trial to a senior Assistant Judge, and suits not exceeding 500 rupees in amount to a junior Assistant Judge.

How the Jurisdiction of Senior Assistants may be extended when necessary.

Clause 6th.—And, when the state of judicial business requires such agency, the Governor in Council may, after receiving a report from the Judge, and the opinion of the Suddur Adawlut, convey to the Judge, in the mode described in Clause 2nd, authority to refer suits not exceeding rupees 10,000 in amount, and appeals from decisions passed by a junior Assistant Judge, or Commissioner, for trial to the senior Assistant Judge, or so many of such officers as may be necessary.

Law Officers.

SECTION XXIX.—*Clause 1st.*—Each zilla Court shall have such establishment as Government may deem necessary, of Hindoo and Mohummudan law officers.

Clause 2nd.—Previously to entering upon the duties of their respective offices, they shall take and subscribe before the Judge in open Court the solemn declaration contained in Appendix C. Their Declaration.

Clause 3rd.—The duties of the Law officers shall be the same as are prescribed in Section XIII. Clause 3rd of this Regulation, so far as concerns the answering of questions on points of law put to them by the Judge. Their Duties to expound the Law in the Court of the Judge.

Clause 4th.—They shall also return written answers on such points of Hindoo or Mohummudan law as shall be submitted to them in writing by an Assistant Judge or Commissioner. And in those of the Assistant Judges and Commissioners.

Clause 5th.—They shall also, when so directed by the Judge, take the examinations of persons applying to be admitted to sue as paupers, and shall further perform such duties as the Judge may deem connected with the functions of their situations. Also to take the Examination of Paupers, &c.

SECTION XXX.—*Clause 1st.*—The Court shall have a Nazir, with one or more deputies and such other inferior officers, whether writers or peons, as the extent of business may require. Appointment of a Nazir and his Inferior Officers and Establishment.

Clause 2nd.—The Nazir shall provide the securities, and take and subscribe the solemn declaration directed in Section XIV. Clauses 2nd and 3rd of this Regulation, to be provided and taken by the Nazir to the Suddur Adawlut. His Securities and Declaration.

Clause 3rd.—It shall be the duty of the Nazir, either personally or by means of his inferior officers, to serve summonses, and to fix up notices issuing from the Court, to take all securities required by the Court, and to execute all written orders or process to him directed, more especially for the apprehension or custody of persons, and for the sequestration, attachment, or sale of property, to answer the Court's decrees. The Nazir to execute all Orders and Processes,

Clause 4th.—The Nazir shall return the summons or order on the day appointed, with an endorsement, specifying the manner in which it has been executed, or the cause that has prevented its execution. Returning the same duly endorsed.

Clause 5th.—The Nazir shall be *ex officio* keeper of the civil jail of the zilla, and shall be responsible for the safe custody of the prisoners, and for the due observance of the orders of the Judge on all points connected with their treatment. To be the Keeper of the Civil Jail.

SECTION XXXI.—*Clause 1st.*—Each Court shall have so many Serishtadars and writers subordinate to them as the extent of business may require. Serishtadars and Native Writers.

Clause 2nd.—Each Serishtadar shall take and subscribe in open Court the solemn declaration contained in Appendix C. Declaration of the Serishtadar.

Clause 3rd.—It shall be the duty of the Serishtadar to keep a register of all plaints filed in the Court, and to receive and file all pleadings, exhibits, and other papers in civil suits. The Serishtadar to file all Plaints and Official Papers.

Clause 4th.—To take down in writing minutes of the proceedings of the Court, the depositions and examinations taken in it, and all orders and judgments that may be passed. To record Minutes of Proceedings, Depositions, &c.

Clause 5th.—The Serishtadar further shall examine, in presence of the parties interested, all matters of account referred to him by the Court, and prepare such abstracts or statements as the order of reference may require. To examine Accounts, and make Abstracts thereof.

Clause 6th.—He shall also prepare all summonses, orders, warrants, decrees, proclamations, or other writings issuing under the seal and signature of the Court, and copies of such papers in Court as may be required. To prepare Official Papers,

Clause 7th.—The Serishtadar shall keep a record of the proceedings of the Court. And to frame the Record.

Clause 8th.—The Serishtadars shall, if practicable, deliver over to the charge of Papers in Suits when

to be given over to the Record-keeper by the Serishtadar.

the Record-keeper the papers in all cases decided in any of the Courts of the zilla, within thirty (30) days after a decree has been passed, unless an appeal has been entered.

With an Inventory and a Receipt for the same passed.

Clause 9*th*.—An inventory shall be delivered along with the papers to the Record-keeper, and the Serishtadar shall obtain a recept for them in a book to be kept for that purpose.

The Record-keeper and his Assistants:

SECTION XXXII.—*Clause* 1*st*.—The Court shall have a Record-keeper, with so many Assistants as may be necessary, who shall have charge of the records of all the Civil Courts within the zilla.

His Declaration.

Clause 2*nd*.—The Record-keeper shall take and subscribe the solemn declaration contained in Appendix C.

The Record-keeper how to arrange. Papers.

Clause 3*rd*.—He shall arrange each paper according to its number in the respective suit.

And Suits.

Clause 4*th*.—The suits shall be arranged during the current year according to the date on which they were respectively delivered in for record, and shall be so kept until the year is completed, when they shall be arranged for permanent record, according to the year in which they commenced respectively, and the number which each bears upon the general file of that year.

Record-keeper's Book.

Clause 5*th*.—The Record-keeper shall keep a day book in the form contained in Appendix G., in which he shall make an entry of every paper delivered into his office belonging to any suit, noting the number of the suit, the date of filing the plaint, the names of the parties, the Court in which it was tried, the date of the decree, the number of the papers in the suit, and the date when it was delivered in for record.

Administerers of Oaths.

SECTION XXXIII.—The Court shall have, for the purpose of administering oaths, such establishment as may be deemed requisite of duly qualified persons of different persuasions.

CHAPTER III.

ON THE APPOINTMENT, REMOVAL, AND PUNISHMENT OF OFFICERS OF COURTS.

Judges and their Assistants, Registers and their Assistants, how appointed, suspended, and removed.

SECTION XXXIV.—*Clause* 1*st*.—All Judges, Assistant Judges, Registers and Assistant Registers, shall be appointed by the Governor in Council, by whom only they can be suspended or removed.

Law Officers how appointed and removed.

Clause 2*nd*.—All Law officers shall be appointed by the Governor in Council, by whom only they can be dismissed.

And suspended.

Clause 3*rd*.—But any Law officer may be suspended by the Suddur Adawlut during the pleasure of Government, to whom a report shall forthwith be made, and a Law officer on the establishment of a zilla Court may also be suspended by the zilla Judge, pending a reference to the Suddur Adawlut, which Court, if it confirm the suspension, shall report the case to Government as above directed.

All Ministerial Officers to be appointed, suspended, and dismissed by the Court.

Clause 4*th*.—All ministerial officers of Courts of civil justice shall (subject to the undoubted right of Government to appoint, suspend, or dismiss any such officer at its pleasure) be appointed, and may in like manner be suspended or dismissed by the Suddur Dewanee Adawlut, or the zilla Judge under whose immediate control they may respectively officiate: but the nomination, suspension, and dismission of a Nazir in a zilla Court must be reported to the Suddur Adawlut, and in the Suddur Adawlut must be reported to Government.

Certain cases of Suspension of Law Officers to be investigated by the Judge of Circuit.

SECTION XXXV.—*Clause* 1*st*.—Whenever a Law officer of a zilla Court is suspended on any charge, not being a criminal offence, the Suddur Dewanee Adawlut shall direct the Judge of circuit, when on circuit in the zilla, to call the party accused

before him, and, after investigating the facts, to transmit to the Court the proceedings, with his opinion on the case.

Clause 2*nd.*—The Suddur Adawlut, after considering the proceedings, may restore such officer, or confirm his suspension during the pleasure of Government, to whom a report shall forthwith be made.

And decided upon by the Suddur Dewanee Adawlut.

SECTION XXXVI.—*Clause* 1*st.*—Bribery, extortion, and generally all acts of abuse, or misapplication of authority, or neglect of duty, committed by any Native officer on the establishment of a Court of civil justice, shall be punishable as criminal offences, with fine, ordinary imprisonment without hard labour for a period not exceeding seven (7) years, and public disgrace; and the receipt of a present, directly or indirectly, from any person against whom, or in whose behalf, such officer may be employed to perform any official duty, shall be considered extortion.

Misconduct and neglect of Duty in Native Officers of Courts punishable as Criminal Offences.

Clause 2*nd.*—The above recited offences shall be cognizable by the criminal Court of the zilla, and other higher tribunals of criminal judicature, but if the offender should belong to the establishment of the Suddur Adawlut, the case will be tried by that Court in its criminal capacity, whose sentence will be executed by the proper subordinate Court, on precept issued to that effect.

Being cognizable by the Zilla Court and higher Tribunals.

Clause 3*rd.*—Punishments adjudged under this section shall not preclude any other prosecution, civil or criminal, to which the offender may be liable.

Any other Prosecutions are not thereby precluded.

CHAPTER IV.

OF COURTS OF COMMISSIONERS FOR DECIDING CIVIL SUITS.

SECTION XXXVII.—*Clause* 1*st.*—Native Commissioners may be appointed in each zilla for trying and deciding, under the rules prescribed in Regulation IV. A. D. 1827, civil suits filed by the Commissioner in conformity with the said rules, or received from the Judge, who is hereby empowered to refer the same to the Commissioner: provided that in all suits tried by a Commissioner, the defendant reside within the limits of the Commissioner's jurisdiction, and that neither party be an European or American, and further that the cause of action be not liable to any of the objections specified in Section XXI. of this Regulation.

Appointment of Commissioners for deciding Civil Suits.

Clause 2*nd.*—But the Commissioner shall take cognizance of no suit to which his near relation, or one of his immediate servants or dependants, is a party.

Provided that they are not interested in the result.

Clause 3*rd.*—The number of Commissioners for each zilla, the stations where their Courts are to be held, the extent of their districts, and the amount of the suit coming within their jurisdiction, (which shall not fall short of Rs. 500, nor exceed Rs. 5,000,) shall be regulated from time to time by the Judge, with the sanction of the Suddur Dewanee Adawlut, and confirmation of the Governor in Council, or by order of Government, communicated to the Judge through the Suddur Adawlut.

The number of Commissioners and their Stations how determined.

Amount of Suits cognizable between Rs. 500 and Rs. 5,000.

SECTION XXXVIII.—*Clause* 1*st.*—Each Commissioner shall be selected by the zilla Judge, and proposed to the Suddur Dewanee Adawlut, which Court, if it see no objection to the selection, shall furnish the party with a commission under its seal, and the signature of its Register, according to the form contained in Appendix H.; except that in the case of a Commissioner sitting at the Suddur station such part as confers the power of filing and trying unreferred suits is to be omitted.

The Judge to select the Commissioner, and the Suddur Dewanee Adawlut to grant the Commission;

Clause 2*nd.*—The commission shall specify the district over which the jurisdiction of the Commissioner extends, and the highest amount of suit falling within his jurisdiction, and that Europeans and Americans are excluded from his jurisdiction, as well as suits in which his relations, and servants or dependants, are parties: a copy of his commission shall be kept suspended by the Commissioner in his Court room.

Which shall specify the Jurisdiction conferred;

And shall be open to public view.

Clause 3*rd.*—A commission may be annulled by order of Government to the Suddur Dewanee Adawlut, or by the authority of that Court, a report being made to Govern-

And may be annulled, if necessary: the Commissioner also

liable, for Misconduct and Breach of Duty, to Suspension, Dismission, and Civil and Criminal Prosecution.

ment: the annulling order shall be executed through the medium of the zilla Judge, on precept addressed to him by the Suddur Dewanee Adawlut. Commissioners may also, for misbehaviour, or neglect of duty, be suspended from official employment and emolument by the zilla Judge, but such suspension shall be reported to the Suddur Dewanee Adawlut, and, if the period of suspension exceed two months, the case shall be referred to the Suddur Dewanee Adawlut for its final orders, which shall further decide on the Commissioner's eventual restoration or dismission. Commissioners shall also be subject to the prosecutions and penalties specified in Section XXXVI. for the offences therein recited.

Commissioner's Seal.

SECTION XXXIX.—Each Commissioner shall use a circular seal one inch in diameter, bearing the following inscription in the language and character of the country in which he holds his Court, viz:—"*Commissioner for the Zilla of* ——— (or *for the District of* ——— *in the Zilla of* ———)."

His Declaration.

SECTION XL.—Previously to exercising any of the functions of his office, the Commissioner shall take and subscribe before the Judge, in open Court, the solemn declaration contained in Appendix I.

The Commissioner how to receive and dispose of Plaints.

SECTION XLI.—*Clause* 1*st.*—The Commissioner shall receive for trial before himself, or for transmission to the Judge, under the forms and rules prescribed for those purposes in Regulation IV. A. D. 1827, Section II. such plaints as may be preferred to him.

And when to act as Arbitrator.

Clause 2*nd.*—The Commissioner shall act as arbitrator when applied to for that purpose, as directed in Regulation VII. A. D. 1827, Section II. Clause 2nd.

His Ministerial Duties.

Clause 3*rd.*—The Commissioner shall execute all such process as issued and directed to him by the Judge for that purpose.

More Commissioners than one may try the same Suit.

SECTION XLII.—The Judge may, for special reasons, refer a suit to two or more Commissioners jointly.

How Suit pending before a Commissioner may be referred to the Judge.

SECTION XLIII.—If whilst a suit is pending it shall appear that either of the parties is an European or American, or is related to the Commissioner, or is his servant or dependant; that the Commissioner is personally interested in the suit; that the defendant is a public servant, and the suit is brought for acts done by him in his public capacity; that the evidence could be more conveniently taken elsewhere; or that other sufficient reason exists why the Commissioner should not take cognizance of the suit, he shall stay further proceedings, and send up such suit to the Judge, or the Judge may require him to do so, and in either case the Judge may try the suit himself, or refer it to any competent authority for that purpose.

Return to be forwarded by the Commissioner to the Judge.

SECTION XLIV.—The Commissioner shall forward to the zilla Judge such returns of suits filed or decided, or of any other judicial matters, whether originating in regular suits or arbitration, as may be required by the latter authority.

CHAPTER V.

OF COURTS FOR THE RECOVERY OF DEBTS DUE BY BRITISH SUBJECTS.

Jurisdiction of Magistrates in cases of Debt stated to be due by British Subject.

SECTION XLV.—*Clause* 1*st.*—By Act 53rd George III. Chapter 155, Section 106, authority is conferred on magistrates, each within his respective jurisdiction and without the limits of the jurisdiction of the Court of Requests at the Presidency, to take cognizance of any debt not exceeding 50 rupees alleged to be due by a British subject who may be resident in or have contracted the said debt within the said jurisdiction to a Native resident in India, and without the jurisdiction of the said Court of Requests; but by Act 4th, George IV. Chapter 81, Section 57, officers and soldiers are excepted from the operation of this rule.

The Magistrate's decision final, and the

Clause 2*nd.*—A decision made under the preceding clause is declared by the said enactment to be final, and the amount leviable by warrant under the hand of the Ma-

gistrate on any property of the debtor which may be found in the above jurisdiction; and if no such property be found, then the debtor may be committed (by warrant under the hand of the magistrate) to confinement, for a period not exceeding two (2) months, in any fit place, within the said jurisdiction, or, if there be no such place, then in the gaol at the Presidency.

Amount decreed leviable by his Authority.

Clause 3*rd.*—And also the proceedings in such cases are enacted to be conducted in a summary manner.

His proceedings to be summary.

SECTION XLVI.—*Clause* 1*st.*—It is enacted in Section 107 of the above Act and chapter, that all Courts which have, or hereafter may have cognizance of civil suits on matters of revenue, either originally or by way of appeals, shall have jurisdiction over British subjects of Her Majesty, whether in the service of the Honorable Company or not, (except in case of demands not exceeding 400 rupees made against British subjects, being officers, or subject to Military authority by Act 4th, Geo. IV. Chapter 81, Section 57,) in all matters or proceedings of a civil nature, in the same manner as they have over natives of India by Regulation, under the following restrictions:—

Jurisdiction of the constituted Civil Courts in cases of Debt stated to be due by British Subjects.

Clause 2*nd.*—Such Court shall not take cognizance, unless the British subject reside, or carry on trade or other business, or be in the occupation or possession of immoveable property within the said Court's jurisdiction, and at the distance of more than ten miles from the Presidency.

Particular grounds of the Jurisdiction: residence of the Defendant, his carrying on Trade, or possessing immoveable Property within the Zilla.

Clause 3*rd.*—And to render the party amenable on the ground of residence, it is necessary that he should be resident at the time of commencing the action or proceeding, or else that the cause of action should have arisen within two years from the institution of the suit, and within six months from the residence ceasing.

Explanation of the ground of Residence.

Clause 4*th.*—And to render the party amenable on the ground of carrying on trade or business, it is necessary that the cause of suit should relate to the same, and should have arisen within the jurisdiction.

Specific Provision relative to the ground of carrying on Trade.

Clause 5*th.*—And to render the party amenable on the ground of occupying or possessing immoveable property, it is necessary that the action or proceeding relate to such occupation or possession, or to rent or other demands arising from it.

And to the possession of immoveable Property.

Clause 6*th.*—And if a suit instituted as above said be appealable by usual course of law to the Supreme Civil Court for the territories subject to the Bombay Presidency (under whatever denomination) the said British subject shall be at liberty to appeal, instead of such Court, to the Supreme Court at the Presidency, in which Court he may also be originally sued, instead of the Court stated in the first clause of this section.

The Defendant, if the Suit be appealable to the Suddur Adawlut, may appeal to His Majesty's Supreme Court of Judicature.

CHAPTER VI.

OF PLEADERS.

SECTION XLVII.—*Clause* 1*st.*—Natives or others may be authorized to practice in each Court as pleaders (vakeels) in behalf of parties in any judicial proceeding, being qualified by sunnud, according to the rules in the succeeding section.

Authorized Pleaders to hold Sunnuds.

Clause 2*nd.*—No person shall be allowed to act in any such proceeding except such pleaders, or the parties themselves, or their recognized agents, as provided in Regulation III. A. D. 1827, Section III. Clause 2nd.

And to act in all Suits where the Parties or their recognized Agents do not appear.

Clause 3*rd.*—But in the Court of a Commissioner not at the Suddur station any person may act in behalf of a party on a vakalutnama being filed.

Except in the Court of a District Commissioner.

Clause 4*th.*—In matters to which Government is a party, it shall be lawful for a pleader to act on a general vakalutnama, to be issued by the officer under whose control the said matters are conducted, provided a duplicate be deposited in the Zilla Court of the district in which he practises.

A Pleader for Government may hold a general Vakalutnama.

The number of Pleaders to be unlimited.

SECTION XLVIII.—*Clause* 1*st.*—The number of pleaders shall not be limited, but any person duly qualified, and of unexceptionable character, shall be entitled to a sunnud of appointment.

Their Qualifications how ascertained, their Appointment how made.

Clause 2*nd.*—The qualifications of candidates for the station of pleader shall be determined by certificate from a committee consisting of two or more law officers of different pursuasions on the establishment of either the Court of Suddur Dewanee Adawlut, or the Zilla Court, where the candidate offers himself for practice; the selection of the members of the committee shall be made by the Suddur Dewanee Adawlut, and a Judge of that Court shall preside in the committee, and shall have the casting vote, in case of the members of the committee being equally divided, and a negative vote in all cases.

And their Sunnuds issued.

Clause 3*rd.*—Each pleader, on being found qualified, shall be furnished with a sunnud, under the seal of the Court of Suddur Dewanee Adawlut, in the form of Appendix J.

The practice of Pleaders how regulated.

SECTION XLIX.—The pleaders in the Zilla Courts shall practice each in such particular Court or Courts as may be assigned to them by the Zilla Judge, or indiscriminately in all the Courts of the respective zilla, if it be not found necessary to appropriate the pleaders to particular Courts.

On appearing in a Suit the Pleader must file a Vakalutnama.

SECTION L.—*Clause* 1*st.*—A pleader shall not be allowed to act in any suit or proceeding until he has obtained from the party, and filed in Court, a power of attorney (vakalutnama), according to the form contained in Appendix K. appointing him pleader in the cause.

Retaining Fee to be paid by the Party engaging a Pleader.

Clause 2*nd.*—If a party engages a pleader to act in his behalf, he shall present him with eight annas as a retaining fee, for which the pleader shall grant him a written acknowledgment, specifying the date of payment; and if the said retaining fee be not offered, the pleader shall demand it, and abstain from all proceedings until it be delivered.

After receipt of which the Pleader must perform his engagement: Penalty in case of misconduct.

Clause 3*rd.*—If, after receiving the retaining fee, a pleader shall engage with or act for the other party, or refuse or omit to act on behalf of his client, he may be punished by a fine not exceeding 500 rupees, or, if the matter in litigation be less than 250 rupees, then not exceeding twice the amount of the sum in dispute between the parties; or, if the circumstances are of an aggravated nature, may be suspended or dismissed under the rules contained in Section LVI. of this Regulation.

To be enforced by the Zilla Judge, or any Superior Court in which the Suit is pending.

Clause 4*th.*—The fine may be inflicted by the Court in which the suit relative to which the failure of duty occurred may be pending; unless such Court be subordinate to that of the Zilla Judge, in which case it shall be imposed by his immediate authority.

The Pleader represents his Client in all matters of the Suit.

SECTION LI.—*Clause* 1*st.*—A pleader, when his vakalutnama has been filed, shall be held to represent his client in all matters connected with the prosecution or defence of the suit or proceeding in Court, and acts done by, and notices served upon the pleader, shall be equally valid as if done by or served upon the party, unless they be to procure the personal attendance of the said party, or fulfilment of a decree.

Must pass Receipts to his Client for Papers, which he must return when required.

Penalty in case of misconduct.

Clause 2*nd.*—It shall be incumbent on a pleader, at the time of receiving any accounts, writings, or documents from his client, to give a written receipt for them, and to restore them when required, under penalty of a fine not exceeding 100 rupees, to be levied under the rules contained in the last clause of the preceding Section; or, if the circumstances be of an aggravated nature, of suspension or dismission, according to Section LVI. of this Regulation.

Established Fees of Pleaders in Original Suits.

SECTION LII.—*Clause* 1*st.*—Each pleader employed in prosecuting or defending an original suit shall be entitled to a per-centage on the amount sued for, according to the rate specified in Appendix L. as a remuneration for his trouble in acting in behalf of his client, until the decree in the suit is passed, and thereafter until such decree is fulfilled.

And in Appeals.

Clause 2*nd.*—The remuneration to a pleader employed in prosecuting or defending

an appeal, regular or special, shall be the same as is above prescribed in the case of an original suit.

Clause 3rd.—The above rules shall not prevent an express agreement being entered into between pleader and client, for either a larger or smaller sum than the established fee.

Unless otherwise settled by private Agreement.

Clause 4th.—But, if a larger sum than was agreed for between a pleader and client is awarded in costs against the other party, the pleader, notwithstanding his agreement with his own client, shall be entitled to the excess when recovered.

But if more is decreed by way of Reimbursement than was agreed to be paid to the Pleader, the Pleader shall have the excess.

Clause 5th.—The party retaining a pleader shall be responsible to him for his fee, which shall be recoverable from his client in preference to all other claims, as soon as a decree has been passed in the suit, whether an appeal has been entered or not, or if the pleader prefer, it shall be recovered with other costs, in course of executing the decree, and a receipt book shall be kept in each Court for the signature of pleaders on receipt of their fees, in which shall be entered the amount received and number of the suit.

Pleader's Fee, how recovered.

And its receipt recorded.

SECTION LIII.—*Clause 1st.*—If an acknowledgment of the demand is entered, or a suit or appeal withdrawn without being brought to trial, the pleader shall be entitled to only half the established fee.

When a Demand is admitted, or withdrawn, half Fees only shall be paid.

Clause 2nd.—Either party may engage two or more pleaders to conduct his suit or defence, but the party found liable in costs will not be answerable for more than the established fee of one pleader on behalf of the other party.

More Pleaders than one may be engaged, but without prejudice to the opposite Party.

Clause 3rd.—It shall be competent to a party at any time to withdraw the authority vested in a pleader to act in his behalf, on giving the Court notice in writing to that effect: but it shall not be competent to a pleader to withdraw from acting in behalf of his client without his consent or the special permission of the Court.

The Client may cancel his Vakalutnama, but a Pleader cannot abandon his Client without the Client's consent or the order of the Court.

Clause 4th.—In case of a pleader being removed from the conduct of a suit by virtue of the preceding clause, the Court, if applied to, shall summarily determine whether any or what proportion of the fee is to be paid to him, and any amount so fixed shall be recoverable immediately by the process used for executing decrees.

A Pleader relinquishing his Cause by permission, how to be remunerated.

SECTION LIV.—*Clause 1st.*—If a pleader is unable to attend the Court in consequence of indisposition or other necessary cause, he shall notify the same to the Court in writing, in which case proceeding in the suit shall be stayed for such time as the Court deems reasonable, to enable the party to transfer, by endorsement or otherwise, his power of attorney (either temporarily or until the suit is determined) to another pleader; and any pleader absenting himself without written notice as above prescribed may be punished by fine not exceeding rupees 100, to be adjudged by the Court in which the failure of duty occurred, and levied as the amount of a decree by the same, unless such Court be subordinate to the Zilla Judge, when the fine shall be subject to the revision of the Zilla Judge, and shall be enforced only by his authority.

Pleader's unavoidable absence to be reported to the Court, which will direct the requisite measures.

Punishing negligence.

Clause 2nd.—In case of the resignation, dismissal, or death of a pleader, proceedings in the suit shall in like manner be stayed, and the Court, if applied to, will determine the proportion of the fee, if any, to be paid to such pleader or his heirs, which shall be recoverable immediately by the process used for executing decrees.

In the event of the Pleader's permanent absence or death: the Court determines the amount of Fees due to such Pleader or his Heirs.

SECTION LV.—When a pleader is employed in any matter not being an ordinary suit or appeal, he shall be remunerated according to his labour in the case, and the extent of such remuneration, if disputed, shall be summarily determined by the Court, and levied as stated in the last clause of the preceding section

Fees in extraordinary matters before the Court to be determined, if disputed, by the Court.

SECTION LVI.—A pleader accused of a criminal offence, guilty of misbehaviour or neglect of duty, shall be liable to be suspended or dismissed under the rules regarding commissioners, contained in the 3rd Clause of Section XXXVIII. of this Regulation, but nothing herein contained shall prevent a party from instituting an action for damages against his pleader, when he may consider himself injured by his acts or omissions.

Pleaders how liable to Suspension or Dismission, without prejudice to Private Actions against them for Damages.

APPENDIX A.

(See Sections IV. XIX. XX. Clause 2nd, and XXVIII. Clause 1st.)

Form of Oath to be taken by a Judge of the Suddur Dewanee Adawlut, and a Judge and Assistant Judge of a Zilla Court.

I, A. B., appointed (chief, second, third, &c. Judge of the Suddur Dewanee Adawlut, Judge, Senior, first, &c. Senior, Junior, first, &c. Junior Assistant Judge of the Zilla of ——— *as the case may be*) do solemnly swear, that I will perform the duties of my office and administer justice with impartiality and integrity and conformably to the Law :* *that I will to the best of my ability preserve the public peace*, that I will not receive, directly or indirectly, any present whatever on account of any suit or matter to be instituted, or which may be depending, or may have been determined in this or any other Court, nor will I knowingly permit any person under my authority or in my service to do so: that I will not be concerned, directly or indirectly, in any commercial transaction whatever, nor derive any emolument or advantage from my station, excepting such as the orders of Government do or may authorize me to receive.

* To be omitted in the Oath taken by a Judge of the Suddur Adawlut.

So help me God.

Date. Signature.

APPENDIX B.

(See Section XI. Clause 1st.)

Form of Oath to be taken by the Register and Assistant Register to the Suddur Dewanee Adawlut.

I, A. B., appointed Register (*or* Assistant Register) of the Suddur Dewanee Adawlut, do solemnly swear, that I will truly and faithfully perform the duties of my office, according to the best of my knowledge and ability; that I will not receive, directly or indirectly, any present whatever on account of any suit or matter to be instituted, or which may be depending, or may have been determined, in this or any other Court, nor knowingly permit any person under my authority or in my service to do so: that I will not be concerned, directly or indirectly, in any commercial transaction whatever, nor derive any emolument or advantage from my station, excepting such as the orders of Government do or may authorize me to receive.

So help me God.

Date. Signature.

APPENDIX C.

(See Section XII. Clause 4th, XIII. Clause 2nd, XIV. Clause 3rd, XXIX. Clause 2nd, XXXI. Clause 2nd, and XXXII. Clause 2nd.

Form of Solemn Declaration to be taken by a Law-officer, Nazir, Serishtadar, Assistant Serishtadar, and Record-keeper.

I, A. B., appointed ——— in the Court of ———, do solemnly declare, that I will truly and faithfully perform the duties of my office, according to the best of my knowledge and ability; that I will not accept, directly or indirectly, or knowingly permit any other person to receive for me, any present in money or effects of any kind, or the promise of any such on account of any suit or matter to be instituted, or which may be depending, or may have been determined, in this or any other Court; and that I will not, directly or indirectly, derive any advantage or emolument from my office, excepting such as the orders of Government do or may authorize me to receive.

So help me God.

Date. Signature.

APPENDIX D.

(See Section XIV. Clause 2nd.)

Form of Bond to be entered into by the Nazir's Securities.

Whereas ——— has been appointed Nazir to the Court of ———, and whereas, before exercising the duties of the said office, it is necessary that he should find sufficient security for the faithful discharge of the same; therefore we ——— and ——— do hereby bind ourselves, our heirs and executors, to the Sirkar in the sum of rupees ——— each that he, the said ———, shall well and diligently discharge all the duties of the Nazir of the Court, and that he shall faithfully account for all property, moveable or immoveable, that may come into his possession or custody in that capacity: and in case of his failure in any of these respects, we do hereby bind ourselves, jointly and severally, but each to the amount aforesaid only, to make good to the parties interested, or to the Sirkar on their account, all loss or damage sustained by the suitors or others, in consequence of the act, misconduct, or neglect of the said ——, or of any deputies or others of his officers acting under his authority, as the same may be ascertained and awarded by order of the said Court. As witness our hands at ——, this —— day of ——, 18——.

Witnesses.
E. F.
G. H.

(Signed) A. B.
C. D.

APPENDIX E.

(See Section XVI. Clause 2nd.)

List and Territorial Description of the Zillas established under the Presidency of Bombay.

SURAT ZILLA.

Grounds of the Jurisdiction.	Territory.	Date when the Jurisdiction commenced.
Section I. and II. Regulation I. of 1800.	The city and port of Surat, and town of Randier and their dependencies.	13th May 1800.
Section II. Regulation I. of 1802.	The purgunna of Chourasee. The purgunna of Chiklee.	7th January 1802. 14th June 1802.
Cessions by the Paishwa under the treaty of Basseen. Regulation II. of 1805.	The eight (8) purgunnas of Bulsar, Parneira, Bhootsur, Parchol, Soopa, Surbhan, Walor, and Boharee. The Kusba of Bardolee. The three (3) villages of Kuttergaum, Koomarea, and Phoolpara.	31st December 1802.
Section II. Regulation I. of 1817.	The purgunna of Currode.	5th June 1816.
Order of Council dated 17th Nov. 1817.	The purgunna of Bhugwara.	6th June 1817.
Section VI. VII. and XI. Regulation III. of 1819.	The purgunna of Turkeysir. The Kusba of Mota. The village of Mugnula, with some adjoining lands of the village of Peeplod. The purgunna of Oolpar.	28th November 1817.

BROACH ZILLA.

Cessions by the Paishwa under the treaty of Basseen. Regulation II. of 1805.	The purgunnas of Hansot and Oklasur.	31st December 1802.

BROACH ZILLA *(continued)*.

Grounds of the Jurisdiction.	Territory.	Date when the Jurisdiction commenced.
Section I. and II. Regulation II. of 1805, and Sec. II. Reg. III. of 1814.	The town and purgunna of Broach.	29th August 1803.
Section II. Reg. VI. of 1807, and Sec. II. Reg. III. of 1819.	The three (3) purgunnas of Jumbooseer, Ahmod, and Dejbara.	5th June 1817.

EASTERN ZILLA NORTH OF THE MYHEE (KAIRA).

Cession by the Paishwa under the treaty of Basseen. Regulation II. of 1805.	The tuppa of Naupar.	31st December 1802.
Cession by the Guikawar, Regulation II. of 1805, and Regulation III. of 1819.	The enam town of Kaira, and its dependencies. The three (3) purgunnas of Neriad, Mahtur, and Moondha. Sixteen villages of Dholka east of the Saburmutty river.	5th June 1803.
Sec. II. Regulation I. of 1817.	The purgunna of Kupurwunj. The tuppa of Bahlej. The four villages of Sundana, Antrolee, Wasna, and Kurnej.	15th June 1816.
Section III. Regulation III. of 1819, and Section II. Regulation IV. 1820.	The five (5) purgunnas of Mahoodabad, Antrolee, Alena, (except the two villages of Nikol and Sanoda) Tasra, and Duskuroee, to the east of the Kharee river. The Paishwa's share of the Pitland purgunna. The town of Oomrut.	6th June 1817.

WESTERN ZILLA NORTH OF THE MYHEE (AHMEDABAD).

Cession by the Paishwa under the treaty of Basseen. Section I. and V. Regulation II. of 1805, and Section III. Regulation III. of 1819.	The three (3) purgunnas of Dundooka, Ranpoor, and Gogo.	30th December 1802.
Cession by the Gaikawar. Section I. and V. Regulation II. of 1805, and Section III. Regulation III. of 1819.	The purgunna of Dholka, except sixteen (16) villages which are east of the Saburmutty river.	5th June 1803.
Section II. Regulation VII. of 1819.	The city of Ahmedabad. The Duskuroee purgunna, to the west of the Kharee river. The purgunna of Veerumgaum. The two (2) villages of Nikol and Sanoda, in the Alena purgunna. The purgunna of Purantej. The Paishwa's share of the districts of Byar Hursole and Morassa.	6th June 1817.

REGULATION II. A. D. 1827.

ZILLA OF THE NORTHERN KONKAN.

Grounds of the Jurisdiction.	Territory.	Date when the Jurisdiction commenced.
Section I. and II. Reg. III. of 1799, and Section II. Reg. III. of 1814.	The islands of Salsette and Caranjah, and their dependencies.	1st December 1774.
Section II. Reg. VI. of 1817.	The districts of Bellapoor, Autgaum, and Kalian, and all the other territories of the Paishwa Bajee Row extending north of those districts as far as the Damaun river, and lying between the ghauts and the sea.	5th June 1817.
Section IX. and XI. Reg. III. of 1819.	The territories of the Paishwa Bajee Row extending south of the districts of Bellapoor, Autgaum, and Kalian, as far as the Apta river, and lying between the ghauts and the sea, with the exception of the town of Apta, and the villages of Korulwaree and Sendapoor in the Kurnala talooka.	2nd September 1818.
Treaty with the Colaba State.	So much of the Voorwuleet turuf, north of the Apta, as belonged to the State of Colaba, with the exception of the following ten (10) villages and twenty-five (25) Kharas :— *Villages.* Woolvie, Parengur, Turghur, Koondeywal, Dapoolee, Masor, Kopur, Awrey, Pohee, Gowan. *Khars.* Nandaee Neemba, Shemptee, Khar Wasunee, Waltee, Hurrichundur Peemplee, Danwacha-kota, Kaljee Gobur, Chicklee-bhom. Boorey Boozoorg, Motee Khar, Bhaud Khar, Ranjun Khar, Khat Khar, Hurischunder-kota, Waltee, Gowendee, Mhalaee, Boree-khoord, Sonkhar, Boree-cha-kota, Bhangaree-boozoorg, Kopur, Rel Khar, Pota-cha-moonh. Pond Khar, So much of the Toongartun Muhal, north of the Apta as belonged to the state of Colaba, with the exception of the village of Wat. The four (4) villages Tulowrey, Chandajee, Goorvey, and Nurol, in the Vuredy turuf. The two (2) villages Dewroog and Khurwarboozoorg, in the Soonalee turuf. The village Amburjey, in the Sherey turuf. The village Ambolee, in the Burey turuf. The three (3) villages Nitaley, Nourey, and Khyruney, in the Tulozeh turuf. The three (3) villages Kampolee, Dewkur, and Bhanwuj, in the Bortee turuf.	6th June 1824.

ZILLA OF THE SOUTHERN KONKAN.

Section I. Reg. I. of 1811.	Fort Victoria and its nine (9) dependent villages.	12th October 1756.

ZILLA OF THE SOUTHERN KONKAN *(continued)*.

Grounds of the Jurisdiction.	Territory.	Date when the Jurisdiction commenced.
Section I. Reg. XI. 1814.	The fort and island of Sindoodroog in Malwan, and the forts of Puddunghur, Rajkot, and Serjeekot, with the villages and lands dependent on the said forts.	1st October 1812.
Treaty with the Waree State.	The fort of Vingorla, with six hundred (600) yards around.	3rd October 1812.
Cessions by the Waree State.	The rest of the valley of Vingorla. So much of Wurar and Muloondee as belonged at the time to the State of Waree.	5th May 1813. 29th January 1814.
Section IX. and XI. Reg. III. of 1819.	The territories of the Paishwa Bajee Row, bounded on the north by the Apta river, and on the south by the Karlee or Malwan river, and lying between the ghauts and the sea, with the four (4) following exceptions :— 1st.—The Oonderee talooka, except the village of Khar Dolvie, which village belongs to the zilla. 2nd.—The three (3) following villages in Chawool, viz. Waolee, Karley, and Komprolee. 3rd.—The five (5) following Warees in Chawool and Thul, viz. Pakaree Rumeshwur, Pakaree Bolawee, Ramajee Mahadeo, Vessajee Keshow, and Wursolee. 4th.—The oarts belonging to and situated without the walls of the fort of Rewdunda.	2nd September 1818.
Regulation III. of 1820.	The nine (9) following sea coast villages in the turufs Ajgaum and Paut, viz :— *Of Ajgaum.*: Raree, Arowlee, Seerodee; Dabolee, Kanolee, Keyloos. *Of Paut.*: Mahapun, with the adjoining fort of Newtee, Konchuree, Purolen.	17th February 1819.
Treaty with the Colaba State.	So much of the Toongartun turuf situated south of the Apta river as belonged to the State of Colaba, with the exception of the village of Khuraree Boozoorg. The two (2) villages Wureree and Shetolee, and the four (4) Khars Sonkhar, Dhadur Khar, Khar Dubaba, and Dolvie Khar, in the Humrapoor turuf.	6th June 1824.

THE PRESIDENCY.

Royal grant. See also Section II. Reg. III. of 1799, Reg. III. 1815, and Reg. III. IV. and VII. of 1817.	The Revenue jurisdiction of the island of Bombay and its adjacant dependencies, administered at present by the Revenue Judge and the Court of Petty Sessions.	A. D. 1668.

APPENDIX F.

(See Section XXI. Clause 2nd.)

Extract from the Treaty between the British Government and the Nawaub of Surat, dated the 13th May 1800.

ART. 7th.—In complaints brought before the Court of Justice, in which it shall appear, either by the application of the Nabob, or the representation of the defendant, at or before the time of giving in his or her answer, or by the petition of the complainant, that both parties are relations or servants of the Nabob, such parties shall in the first instance be referred for justice to the Nabob, or to any person he may

appoint to dispense it, any complaint against the relations or immediate servants of the Nabob, or by persons of a different description, shall in the first instance be made to the chief civil servant at Surat, who shall refer it to the Nabob, who has engaged to order an immediate investigation to be made, or, in case the parties should desire it, to order the dispute to be referred to a proper arbitration, the Nabob engaging to bring it to direct issue, or to carry the sentence or award, if unfavourable to his relation or servant, into immediate execution.

APPENDIX G.

(See Section XXXII. Clause 5th.)

Form of Day Book for Civil Records kept in a Zilla Court.

Date of delivery for Record.	No of Suit.	Date when filed.	Names of the Parties.	By whom tried.	Date of Decree.	Number of Papers received.
1821 5th April.	753 of 1821..	2nd Feb. 1821	A. *versus* B.	Commissioner of ——	20th Mar. 1821	No. 1 to 24 inclusive, as per list in decree.
6th April.	613 of 1821.	3rd Mar. 1821	C. *versus* D.	Judge.	29th Mar. 1821	No. 1 to 37 inclusive, as per separate list.

APPENDIX H.

(See Section XXXVIII. Clause 1st.)

Form of Commission to be granted to a Commissioner for deciding Suits.

Seal of the Suddur Dewanee Adawlut.

The Judges of the Suddur Dewanee Adawlut, by virtue of the powers vested in them by Regulation II, A. D. 1827, do hereby appoint you ——— Commissioner in the ——— of ——— with the powers of delegate for receiving, trying, and deciding, without any orders from the Court, such suits between persons not being Europeans or Americans, or in which your own relations, servants, or dependents are parties, as may be preferred to you, either for immoveable or moveable property, and with the powers of reference for trying and deciding such suits, as the Judge may refer to you, when the amount or value of the claim shall not exceed Rupees ———.

And with powers to act as sole arbitrator without any previous application to the Court, in disputes in civil matters submitted to you, in conformity with the rules for arbitrations contained in Regulation VII. A. D. 1827.

You are to hold your Court at ———, and to hear and decide such suits or disputes as may be brought before you, and to exercise the authority vested in you according to such Regulations as have been or may be published by the Governor in Council.

By order of the Suddur Dewanee Adawlut.

Date.

Signed by the Register.

APPENDIX I.

(See Section XL.)

Form of Solemn Declaration to be taken by a Commissioner.

I, A. B., appointed Commissioner for trying and determining Civil suits, solemnly declare, that I will impartially determine the suits that may come before me, according to the best of my abilities and judg-

ment, and that I will not, directly or indirectly, receive, or knowingly permit any other person to receive for me, any money, effects, or property, or the promise of any such, on account of any suit that may come before me, excepting such as the Regulations of Government do, or may, authorize me to receive; and that I will in all respects truly and faithfully execute the trust reposed in me.

Date. (Signed) By the Commissioner.

APPENDIX J.

(See Section XLVIII. Clause 3rd.)

Form of Sunnud granted to a Pleader.

Seal of the Suddur Dewanee Adawlut.

To

A. B., inhabitant of ——.

In conformity with the provisions of Regulation II. A. D. 1827, you, A. B., are hereby appointed to the office of Pleader in the Court of ———; you will not be liable to be removed from your situation during your good behaviour, while you discharge your duty with zeal and integrity, under the rules contained in the Regulations which now are or hereafter may be in force.

By order of the Suddur Dewanee Adawlut.

(Signed) By the Register.

APPENDIX K.

(See Section L. Clause 1st.)

Form of Power of Attorney to enable a Pleader to act in a Suit.

In the Court of ———.
Suit for Rs. ———.

——— Plaintiff,
against
——— Defendant.

I, ———, plaintiff, [*or* defendant, *as the case may be,*] do hereby authorize ——— to appear and act as Pleader for me in the above Suit.

Witness my hand, this —— day of —— 18—.

(Signed,) or the mark of
The Plaintiff
(*or*
Defendant.)

APPENDIX L.

(See Section LII. Clause 1st.)

Statement showing the Fees to which Pleaders are entitled for acting throughout ordinary Suits when there is no specific Agreement.

The Pleader's fee is —

In Suits for not more than Rupees 2,000	3 per cent.
In Suits for from Rupees 2,000 to 10,000 inclusive, on Rupees 2,000 as above, and on the remainder	2 per cent.
In Suits for from Rupees 10,000 to 20,000 inclusive, on Rupees 10,000 as above, and on the remainder	1 per cent.
In Suits for more than Rupees 20,000, on that sum as above, and on the remainder.....	½ per cent.

(Branch of Civil Judicature.)

REGULATION III. A. D. 1827.

A REGULATION containing Provisions as to the Official Proceedings in general of Courts of Civil Justice, their Sittings, the mode of communicating with them, the mode of keeping the Minutes of their proceedings, the sealing, signing, and language of Process, and the grant of Copies of Papers on their Records.—PASSED by the Governor in Council on the 1st of January 1827, corresponding with the 4th Poush Sood Sumbut, or Vikramajeet Era 1883, Salbahan 1748, and 2nd Jummadyool Akhir 1242 of the Hijree.

Consisting of four (4) Chapters, as below:—

Number of Chapter.	Title.	Commencing Section.
I.	Of the Sittings of Courts of Civil Justice, and the mode of communicating with them	I.
II.	Of the Minutes of Proceedings	IV.
III.	Of the sealing, signing, and language of Process.....	IX.
IV.	Of granting Copies of Papers.....	XII.

(Branch of Civil Judicature.)

REGULATION III. A. D. 1827.

A REGULATION containing Provisions as to the Official Proceedings in general of Courts of Civil Justice, their Sittings, the mode of communicating with them, the mode of keeping the Minutes of their Proceedings, the sealing, signing, and language of Process, and the grant of Copies of Papers on their Records.—PASSED by the Governor in Council on the 1st of January 1827, corresponding with the 4th Poush Sood Sumbut, or Vikramajeet Era 1883, Salbahan 1748, and 2nd Jummadyool Akhir 1242 of the Hijree.

Preamble.

WHEREAS it is essential to the due and convenient administration of Civil Justice, that provision should be made for the sittings of Courts, and for certain other matters connected with their official proceedings in general, the following Rules are therefore enacted to take effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose :—

CHAPTER I.

OF THE SITTING OF COURTS OF CIVIL JUSTICE, AND THE MODE OF COMMUNICATING WITH THEM.

Courts to sit from Day to Day, unless otherwise notified.

SECTION I.—*Clause* 1*st*.—All Courts of Civil Justice shall sit from day to day, for the trial of causes, and despatch of business, unless notice of further adjournment has been given.

Exceptions enacted.

Clause 2*nd*.—But every Court, in which an European authority presides, or which may sit at the Suddur station, shall be closed on Sunday, and on the days specified in Appendix A, and shall not transact business, except in cases of urgency, which will not admit of delay.

And authorized.

Clause 3*rd*.—All Courts of Civil Justice are further authorized, provided however, that the directions of the Zilla Judge shall regulate the practice of all subordinate Courts, to adjourn over the holidays specified in Appendix B, and such local holidays as may be authorized by the Judge in each Zilla, with the sanction of the Suddur Adawlut, a list of which shall be kept constantly fixed up, in a conspicuous part of the Court-room.

All matters in Suits to be conducted in open Court.

SECTION II.—*Clause* 1*st*.—No Judge of any of the Courts shall hold communication, regarding a suit or trial depending before him, or coming within his cognizance, or regarding any matter connected therewith, otherwise than in open Court.

Exceptions in cases of emergency.

Clause 2*nd*.—But on occasions of sudden emergency, such as the fraudulent withdrawing of persons, or removal of property from the jurisdiction, wherein the ends of Justice are likely to be defeated by the delay, the Judge, though not in Court, may receive applications in writing, and issue orders thereon, his proceedings being duly recorded at the next sitting of Court.

Pleadings, Applications, &c. to be presented by the Parties.

Or their recognized Agents or Pleaders.

The representatives of Minors and insane Persons being Principals.

SECTION III.—*Clause* 1*st*.—All pleadings and applications in any suit or civil proceeding shall, unless when the contrary is expressly enacted, be in writing, and shall be presented either by the party interested, or his recognized agent, or by a pleader appointed by either of them, in conformity with the rules contained in Regulation II. A. D. 1827, Section LI. but it is hereby explained that persons acting in behalf of parties who are under age, or insane, are to be considered as principals.

Recognized Agent of a Non-Resident constituted by general Vakalutnama.

Clause 2*nd*.—*First*. The recognized agents of parties from whom such pleadings and applications may be received are—*First* persons holding general powers of attorney from parties not within the jurisdiction.

Or by trading in such Non-Resident's Name, in regard to such Trade.

Second. Persons carrying on trade in the name of parties not within the jurisdiction, such as Monims, Gomashtehs, &c. but in matters connected with such trade only.

Head Gomashtehs are Agents for their employers in matters of Trade on filing a special Vakalutnama.

Third. The head or managing Gomashtehs of traders within the jurisdiction, but in matters connected with such trade only, and on filing a power of attorney for the particular occasion.

Also authorized Agents of Government for the special purpose.

Fourth. Persons being ex-officio, or otherwise, authorized to act for Government in the matter to which the suit or proceeding relates.

In which way Princes and Chieftains may be represented.

And *Fifth*. Whenever any sovereign, prince, or an independent chieftain, whether residing within the British territories or elsewhere, may have occasion to prosecute or defend a suit in any Court of Civil Judicature, but is unwilling to appear as plaintiff or defendant in such suit, it shall be competent to the Governor in Council to prosecute or defend it in his behalf, through the medium of any person specially appointed for the purpose by the authority of an order of Government.

When applications are forwarded by a Commissioner, the party need not attend in Court personally or by Vakeel.

Clause 3*rd*.—When plaints or arbitration papers are received by a Commissioner for transmission to the Judge, as authorized by Regulation IV. A. D. 1827, Section II. Clause 2nd, and Regulation VII. A. D. 1827, Section VIII. Clause 3rd, the attendance either of parties or pleaders before the Judge may be dispensed with,

Except in particular cases.

unless for good cause the Judge shall otherwise direct.

CHAPTER II.

OF THE MINUTES OF PROCEEDINGS.

All Courts to keep Minutes.

SECTION IV.—All Courts of Civil Judicature shall keep minutes of their proceedings, in which the proceedings of each day shall be entered.

The Suddur Dewanee Adawlut in English.

And other Courts in the Language of the Country.

SECTION V.—The minutes of the proceedings of the Suddur Dewanee Adawlut shall be in English, and those of all other Courts of Civil Justice in the language, respectively, of the country in which each Court sits.

What Officer to be employed in keeping the Minutes.

Of the several Courts.

SECTION VI.—The minutes of the proceedings of the Suddur Dewanee Adawlut shall be kept by the Register or Assistant Register, those of the Courts of the Zilla Judge, Senior Assistant Judge, and Junior Assistant Judge, by the Serishtadar of each Court respectively, and those of the Commissioner's Courts by the Commissioner, or such other person as he may employ.

Suits, how referred to and recorded.

SECTION VII.—Each suit shall be referred to in the minutes of proceedings by its particular number on the file, and all pleadings or other written documents shall be numbered as they occur in the suit or other proceedings; those presented to the Court being preserved at length on the record, and referred to by numbers in the minutes; and those issuing from the Court, if not preserved at length, as above specified, being entered at length on the minutes, which shall further contain a full exposition of the grounds of the decree.

And the Minutes Books, how arranged and authenticated.

SECTION VIII.—Each page of the Minute Book shall be numbered in regular order, and the proceedings of each day shall be subscribed in the Suddur Dewanee Adawlut, by the Register or his Assistant, and in every other Court by the Judge of the Court.

CHAPTER III.

OF THE SEALING, SIGNING, AND LANGUAGE OF PROCESS.

Signing and sealing of Judicial Process how regulated when issuing from the Suddur Dewanee Adawlut.

SECTION IX.—*Clause* 1*st*.—All ordinary process of the Suddur Dewanee Adawlut, such as summonses, notices, orders, proclamations, &c. shall issue under the seal of the Court, and the signature, either of the Judge or Judges of the Court, or of the Register or Assistant Register; but all decrees, commissions, or other writings of an extraordinary nature issuing from the Suddur Dewanee Adawlut, shall bear the seal of the Court, and shall be signed by the Judge or Judges; and all processes whatever issuing from the Court of the Zilla Judge shall bear the seal of the Court, and the signature of the Judge, or, in his absence, of one of his assistants.

The Zilla Court.

The Assistant Judge's Court.

Clause 2*nd*.—All process, orders, and decrees of the Court of an Assistant Judge shall bear the seal of the Zilla Court, and the signature of the Assistant Judge.

Or that of the Commissioners.

Clause 3*rd*.—All process, orders, and decrees of the Court of a Commissioner shall bear his seal and signature.

Language to be used in the Process of the Zilla and Inferior Courts.

SECTION X.—*Clause* 1*st*.—All process, orders, sentences, and decrees of any Zilla or inferior Court shall be in the language and character used in the Court.

And of the Suddur Dewanee Adawlut on ordinary.

Clause 2*nd*.—But the ordinary process of the Suddur Dewanee Adawlut shall be in the language and character used in the suit or proceeding to which such process relates.

And special occasions.

SECTION XI.—The provisions contained in the preceding Section shall not apply to orders, precepts, warrants, or other process, addressed by the Suddur Dewanee Adawlut to a Zilla Judge which shall be in English; nor to decrees of that Court, which shall also be in English, but shall have annexed to them a translation into the language used in the suit.

CHAPTER IV.

OF GRANTING COPIES OF PAPERS.

Authenticated Copies of Decrees to be obtained by Parties on verbal, and of all other Papers on written Application.

SECTION XII.—*Clause* 1*st*.—Either party shall be entitled, on verbal application, to an authenticated copy of the decree, and on application in writing to an authenticated copy of any pleading, summons, order of Court, return, deposition, exhibit, and generally (with the exception of Court's Minute Book) of every document produced and used in a suit or other proceeding of a civil nature.

So far as they relate to the Suit.

Clause 2*nd*.—But where an exhibit, produced by one party, contains matter not relating to the suit, the other party shall be entitled only to extracts of such parts thereof as do relate to the suit.

The Stamped Paper to be furnished by the Applicant, a Receipt being passed.

And the Copy to be duly authenticated.

Clause 3*rd*.—The stamped paper required for the copy shall be furnished by the applicant at the time of application, and a receipt for the same, stating the period when the paper was furnished, shall be given by the proper officer; the copy shall be prepared by the officers of the Court, and shall be authenticated either by the Judge or by some covenanted servant, being an officer of the Court; but in the Court of a Commissioner the copy shall be authenticated by the Commissioner.

And delivered within ten Days, or the delay explained.

Clause 4*th*.—Authenticated copies of papers shall always be furnished within ten days after application, unless further delay is unavoidable, in which case the cause thereof shall be stated on the minutes of proceedings.

Parties may make Copies of Papers, but without removing the Originals, and they shall not be authenticated.

Clause 5*th*.—Parties shall be permitted, on application to the Court, to make copies of papers for their own use, and at their own expense, but the original papers shall not be removed from the office of the record-keeper for the purpose, nor shall such copies be authenticated by any public officer.

Persons in general, how enabled to procure copies of Papers in Court.

SECTION XIII.—Any person (not being a party) who is desirous of obtaining a copy of a paper in any suit, either pending or decided, shall make application to the Suddur Dewanee Adawlut, if the paper required is in that Court, and in all other cases to the Zilla Judge, stating the object for which the copy is required, and the Court shall either grant or refuse the application as may seem just.

APPENDIX A.

List of Days, besides Sundays, when Courts in which Europeans preside are closed.

1	New Year's Day	1st January.
1	Good Friday.	
1	Nativity of Christ	25th December.
1	The King's Birth-day.	

APPENDIX B.

List of General Holidays, in which all Courts of Civil Justice may be closed.

HINDOO HOLIDAYS.

1	Narulee Poornim	15th Sharavan Shood.
1	Gunesh Chutoortee	4th Bhadrapood Shood.
1	Dussera.....	10th Ashwin Shood.
4	Dewallee	13, 14, and 15 of Ashwin Vud and 1st Kartik Shood.
5	Holee.....	12, 13, 14, and 15, of Fhalgoon Shood and 1st of Fhalgoon Vud.

MUSSULMAN HOLIDAYS.

1	Mohurrum	10th Mohurrum.
1	Conclusion of the Fast	1st Shuval.
1	Eed Koorban	10th of Zilheej.

Branch of Civil Judicature.

REGULATION IV. A. D. 1827.

A REGULATION prescribing the Forms of Proceeding of the Courts of Law in Civil Suits and Appeals, and Rules for the Trial of the same.—PASSED by the Governor in Council on the 1st January 1827, corresponding with the 4th Poush Sood Sumbut or Vickramajeet Era 1883, Salbahan 1748, and 2nd Jummadyool Akhir 1242 of the Hijree.

Consisting of twenty-three (23) Chapters, as below:—

Number of Chapter.	Title.	Commencing Section.
I.	Preliminary Explanations of the effect of certain terms when used in this Regulation	I.
II.	Of the mode of instituting Suits.....	II.
III.	Of process for summoning and arresting Defendants, and for sequestrating their Property.....	V.
IV.	Of the continuation and completion of the Pleadings....	XII.
V.	Of withdrawing Suits	XVIII.
VI.	Of fixing the time of trial, of defaults of trial, and of the Law to be followed.....	XIX.
VII.	Of Exhibits	XXIX.
VIII.	Of Commissions for ascertaining facts depending upon local circumstances	XXXI.
IX.	Of Witnesses.....	XXXII.
X.	Of notice to be given to Co-heirs interested in Suits, which have been instituted without their participation.	XLVI.
XI.	Of Contempts	XLVIII.
XII.	Of Costs	LVII.
XIII.	Of enforcing Security Bonds taken in Suits	LIX.
XIV.	Of the Decree and its enforcement.....	LX.
XV.	Of the revision of Original Decrees.....	LXXI.
XVI.	Of the admission and rejection of Appeals.....	LXXII.
XVII.	Of staying and executing Decrees under Appeal.....	LXXXI.
XVIII.	Of procedure and trial in Appeal.....	LXXXIII.
XIX.	Of the Decree in Appeal	XCIV.
XX.	Of the Revision of Decrees passed in Appeal	XCVI.
XXI.	Of applications to the Suddur Dewanee Adawlut in incidental complaints	XCVII.
XXII.	Of Special Appeals	XCIX.
XXIII.	Of Appeals to the King in Council.....	C.

(Branch of Civil Judicature.)

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Preamble.

WHEREAS it is essential to the regular and effectual administration of justice, that certain forms of proceeding should be observed in the Courts of Law, in receiving, trying, and deciding Civil Suits and Appeals, and in enforcing execution of the decrees that may be passed therein, the following Rules are therefore enacted, to take effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose:—

CHAPTER I.

PRELIMINARY EXPLANATIONS OF THE EFFECT OF CERTAIN TERMS WHEN USED IN THIS REGULATION.

The terms "the Judge" and "the Court" in this Regulation how used.

SECTION I.—*Clause* 1*st.*—Whenever in this Regulation the term "the Judge" is used absolutely, it shall be understood as applying to the Zilla Judge only, and whenever the term "the Court" is used, it shall be understood as applying indifferently to the Court of the Judge and to any other subordinate Court.

The Functions of particular Officers of Courts how performed in Courts, not provided with those Officers.

Clause 2*nd.*—And whenever in provisions applicable to all Courts for the trial of original suits, the functions of officers, who are not attached to any Court subordinate to that of the Zilla, are prescribed, it is to be understood, in the absence of any specific enactment, that in the Court of the District Commissioner, where the attendance of these officers cannot be had, the form of duty prescribed is, according to the nature of the case, and the general instructions of the Zilla Judge, either to be dispensed with or to be executed by the Commissioner, or some trustworthy person under his orders, or that, with the view of obtaining the services of the proper officer, a reference is to be made to the Zilla Judge, by whom the requisite measures will be directed.

CHAPTER II.

OF THE MODE OF INSTITUTING SUITS.

Plaints to be presented at the Suddur Station to the Judge, and elsewhere to the Commissioner.

SECTION II.—*Clause* 1*st.*—All persons claiming redress by Civil action shall institute a suit by means of a plaint in writing, which shall be presented either at the Suddur Station, in the Court of the Zilla Judge, or elsewhere in the Court of a District Commissioner.

Plaints presented to a Commissioner when forwared to the Judge. And when filed and tried by the Commissioner.

Clause 2*nd.*—If the plaint presented to a District Commissioner be beyond his jurisdiction, he shall, after noting on the back of it the period of its presentation, forward it forthwith to the Zilla Judge; if it be within his jurisdiction, he shall place it on his file and proceed to try the suit, unless the defendant at any time previously

Or transferred to the Judge.

to delivering in his rejoinder, or in lieu thereof, should present a petition requiring it to be transferred to the Zilla Judge, in which case the Commissioner shall immediately forward it, together with the defendant's petition to the Zilla Judge.

Substance of the Plaint.

SECTION III.—*Clause 1st.*—The plaint shall state precisely the matter of complaint; if it be founded on a demand for money, its amount, if for other property, its value in money, calculating the same, when it shall consist of a periodical income, at the rate of ten years' purchase; if for damages on account of an injury sustained, the amount in money of the compensation claimed for such injury: it shall also specify the name of the person complained against, and his place of residence, if known, the time when the cause of action arose, and other particulars necessary to elucidate the question at issue.

Which must be signed by the Plaintiff or his Vakeel, a Vakalutnama accompanying.

Clause 2nd.—The plaint shall be signed by the plaintiff or by his recognized agent or authorized vakeel, and, when a vakalutnama is requisite under the Regulations, it shall accompany the plaint.

Plaints how numbered and dated.

SECTION IV.—*Clause 1st.*—The plaint shall be numbered and dated by indorsement in the order in which they are received, and such indorsement, if the plaint is filed at the Suddur Station, shall be signed by the Judge, or, under his direction, by one of the Assistant Judges, and if it is filed by a District Commissioner, the indorsement shall be signed by the Commissioner himself.

And registered.

Clause 2nd.—The plaint after being so marked, shall be entered in a Register to be kept according to the form contained in Appendix A.

At the Suddur Station and in the Districts.

Clause 3rd.—This Register shall be kept at the Suddur Station by the Serishtadar, and at the Court of a District Commissioner by the Commissioner.

And when transmitted from the Districts to the Suddur Station.

Clause 4th.—The plaints tranmsitted by each Commissioner shall, on the receipt of the requisite returns, which the Commissioner may be ordered to furnish under Section XLIV. Reg. II. A. D. 1827, be brought upon the Register at the Suddur Station in the order, as far as may be practicable, in which they were presented to the Commissioner, and shall be numbered anew at their place in the Register, as the Suddur Station may require.

Priority to depend upon the period of Original Presentation.

Clause 5th.—When any dispute arises regarding the priority of plaints, the question shall be decided according to the date of the original presentation, whether in the Zilla Court or in that of the Commissioner.

CHAPTER III.

OF PROCESS FOR SUMMONING AND ARRESTING DEFENDANTS, AND FOR SEQUESTRATING THEIR PROPERTY.

Defendant how called upon to answer.

SECTION V.—*Clause 1st.*—When the plaint is filed, a summons shall issue direct to the defendant according to the form contained in Appendix B. requiring the defendant to appear and answer to the complaint within a specified period, to be in no case less than one day, nor more than 25 days from the date of the serving of the summons: the summons shall be served personally upon the defendant if he can be found.

Special mode when the Defendant is a Public Officer in charge of a Department.

Clause 2nd.—But if the suit be against a Collector of the Land Revenue, or other officer in charge of the interests of Government in any department, or any assistant to such officer, the Judge shall transmit a copy, and English translation of the plaint to the Governor in Council for his consideration, and at the expiration of (90) ninety days from transmission, or at any earlier period when he may receive intimation from Government that it has decided not to grant to the plaintiff the redress sued for, the Judge shall forward a copy of the plaint to the officer concerned in a blank cover bearing his address, and the delivery thereof shall be held to be of the same effect as the serving of a summons in other cases.

Clause 3*rd.*—Defendants shall be summoned in the same manner, and the attendant expenses shall be calculated and defrayed in the same manner, as is prescribed regarding witnesses in Section XXXII. Clause 3, of this Regulation.

Serving of Summonses on Defendants how performed and attendant Expenses defrayed.

SECTION VI.—*Clause* 1*st.*—If the defendant, after diligent search, cannot be found, a return to that effect shall be made, on receipt of which an order shall be issued according to the form contained in Appendix C, directing a copy of the summons to be stuck up in some conspicuous part of the Court, with a notice according to the form contained in Appendix D, requiring the defendant to appear.

If the Defendant cannot be found, Public Notice to be given.

Clause 2*nd.*—The Court shall likewise order a copy of the summons and of the notice to be delivered to some person belonging to the defendant's family, and residing with him, or, if none such is found, to be fixed upon the outer door of the house, or in some conspicuous part of the village or other place in which the defendant has generally resided: the attendant expenses being calculated and defrayed in the same manner as the expenses of serving summonses.

And a Copy of the Summons delivered to his Family or fixed up at his Place of Residence.

Clause 3*rd.*—The time assigned in the notice for the defendant to appear shall not be less than fifteen days from the date of such notice.

The Defendant to be allowed at least fifteen days.

Clause 4*th.*—The Nazir, on the expiration of the period, or the appearance of the defendant, shall return the order with an indorsement stating at what times and places, and in what manner, it was executed.

At the expiration of the period granted, the Nazir to make his Return.

SECTION VII.—*Clause* 1*st.*—If a plaintiff (or his vakeel acting on his behalf) at any time before the passing of the decree has reason to believe that the defendant intends to leave the jurisdiction, so as to prevent the execution of the decree, he may present an application in writing to the Court to demand security for the appearance of the defendant.

The Plaintiff may make application, that the Defendant's Security for his appearance be taken.

Clause 2*nd.*—The application shall specify the applicant's belief that it is the defendant's intention to leave the jurisdiction, and the grounds of such belief.

Application how to be made.

Clause 3*rd.*—The Court may, at its discretion, cause the applicant to verify his application on oath, and if, after the investigation made, it shall be of opinion that the defendant actually intends leaving the jurisdiction, shall issue a warrant (according to the form contained in Appendix E) to the Nazir, enjoining him to bring the defendant before the Court, unless he furnish security (according to the form contained in Appendix F) to the extent specified in the said order, for his appearance to fulfil the decree in the suit, the security undertaking in default of such appearance to fulfil in his place whatever order or decree may be passed in the suit.

Under certain circumstances, the Court may take the Defendant's Security.

Clause 4*th.*—Should a defendant, when brought before the Court, offer in lieu of security for appearance to deposit a sum of money or other valuable property evidently sufficient to answer the claim against him, with the costs of the suit, it shall be competent to the Court to accept such deposit, which shall be subject to the rules provided in Section VIII. Clauses 6, 7, and 8, on the subject of property sequestrated before judgment.

But shall accept an adequate Deposit in lieu thereof.

Clause 5*th.*—The securities for the personal appearance of the defendant may at any time relieve themselves from their engagements as sureties, by delivering up the person of the defendant to the Court, but they shall otherwise be held to be responsible for the appearance of the defendant until the decree has been fully executed.

Securities, if they do not deliver up the Defendant, are answerable for his appearance until the execution of the Decree.

Clause 6*th.*—In the event of the defendant neither furnishing security nor offering a sufficient deposit, he shall be committed to custody until the decree shall have been passed; but in all such cases the suit, upon application of the defendant, may be heard and determined as soon after the pleadings are completed as circumstances will permit, without regard to the order in which it stands upon the file.

A Defendant not furnishing Security shall be imprisoned. The Suit being heard as soon as possible.

Clause 7*th.*—A District Commissioner may detain at his Kutchery a defendant who has failed when called upon to furnish security, but if there should be any doubt of his safe custody, or if the defendant should himself desire his removal, he shall forward him to the Suddur Station for detention: the suit shall at the same time be transmitted to the Judge, and notice thereof shall be given to the plaintiff.

In the Districts, he may be detained at the Commissioner's Kutchery, unless he is insecure there, or prefers being sent to the Suddur Station.

Defendants in Jail to be subsisted by the Plaintiff.

Who shall not recover their expenses.

The Imprisonment also shall not operate in favor of the Defendant.

Clause 8*th.*—A defendant in custody at the instance of a plaintiff shall be subsisted in the same way and under the same rules as a debtor on whom judgment has been passed, except that the amount of the subsistence money shall not be repaid to the plaintiff; and it is hereby explained, that the period of a defendant's imprisonment before judgment shall not be deducted from that to which he may become liable in execution of the decree.

In certain cases the Plaintiff may apply for the Defendant's Security to keep at disposal of the Court Property for the satisfaction of the Decree.

SECTION VIII.—*Clause* 1*st.*—If a plaintiff or his authorized vakeel at any time before the passing of the decree has reason to believe that the defendant intends clandestinely to dispose of his property, or any part thereof, or to remove any such property from the jurisdiction, by which means the execution of the decree will be obstructed, he may make application that the defendant be called upon to furnish sufficient security to produce the said property or a part thereof sufficient to fulfil the decree when required, or otherwise that the Court do hold it under sequestration until the decree has been passed and executed.

Application to whom to be made.

Clause 2*nd.*—The application may be made to the Zilla Judge in all cases, and to an Assistant Judge in case the suit is in his Court for trial, but may not be preferred to a Commissioner.

How to be made, and what to contain.

Clause 3*rd.*—The application shall be on oath, and shall specify the amount or value sued for, the property required to be sequestered, the supposed value of each article thereof, and the applicant's belief that the defendant intends so to dispose of or remove it.

In certain cases the Security may be demanded.

The Plaintiff rendering himself liable for all needless Hardships and Expenses.

Clause 4*th.*—If on investigation the Judge or Assistant Judge, as the case may be, shall be fully satisfied that the defendant intends to dispose of or remove his property, so as to obstruct the execution of the decree, he shall, on the plaintiff in person or by vakeel passing a bond rendering himself liable in such sum as may be judged adequate for all unnecessary injury arising from the sequestration before judgment in consequence of his demand being eventually disallowed, either wholly or in part, issue to the Nazir or other person who may be charged with the duties an order according to the form contained in Appendix G. commanding him to require security from the defendant according to the form contained in Appendix H. in such sum as the order may specify, to produce and place at the Court's disposal, when required, the said property, or a portion thereof sufficient to fulfil the decree.

If Security demanded is not furnished, Property to be attached and sequestrated.

Clause 5*th.*—The order shall further command that, if such security is not furnished forthwith, or within such time as the order may direct, the Nazir shall attach and keep under sequestration until further order the property therein specified, or a part thereof sufficient to fulfil the decree.

Managers may be appointed for sequestrated Property.

Clause 6*th.*—Whenever property is taken possession of by the Nazir under an order of Court, by virtue of the provisions of the preceding clause, the Judge, if he deems it conducive to the advantage of the persons who may eventually have an interest in the property, shall appoint a person to manage it until further order of Court.

Upon their furnishing Security.

Clause 7*th.*—But in such cases the manager so appointed shall give security in such sum as the Judge may direct for the faithful discharge of his trust, and for delivering up the property when required by the Court, with a full account of his receipts and disbursements, and with such profits as may have accrued, during the period of his management.

And may eventually be duly remunerated.

Clause 8*th.*—And at the expiration of his trust the Judge, if applied to, shall award such sum as he may deem a just remuneration for his trouble, but subject to modification by the Suddur Dewannee Adawlut, on the complaint of any person interested.

Immoveable Property may, instead of being seized, be declared inalienable by Proclamation.

Clause 9*th.*—It shall be in the option of the Court, if such measure shall appear to be adequate to the ends of justice, to direct the Nazir, in lieu of assuming possession of immoveable property, to give public notice by proclamation (according to the form contained in Appendix I.) prohibiting all persons from receiving by purchase, gift, mortgage, or otherwise, such immoveable property to the injury of the plaintiff.

Clause 10*th*.—The proclamation shall be read aloud in the most public part of the town or village within the limits of which the property is situated; and copies thereof shall be fixed up in a conspicuous part of the Zilla Court, in the Collector's Kutchery, in the public market of the town or village, and in such other places as the order may direct.

To be made in the most effectual way.

Clause 11*th*.—No purchase, gift, mortgage, or other transfer, made after such proclamation, shall be effectual to alienate the property, or any part thereof, to the injury of the plaintiff.

No subsequent transaction to affect the Plaintiff's Claim.

SECTION IX.—*Clause* 1*st*.—In all cases of sequestration before judgment, the authority who passed the order for the sequestration shall at any time remove the same on the defendant's furnishing security as above required.

Sequestration may be removed when Security is furnished.

Clause 2*nd*.—And the suit upon application of the defendant may be heard and determined, after the pleadings are completed, as soon as circumstances will permit, without regard to the order in which it may stand upon the file.

And the Suit shall be heard and decided as soon as possible.

SECTION X.—If on the subsequent trial of the suit it shall be discovered that the sequestration was applied for on insufficient grounds, or if the plaintiff's claim is disallowed, either wholly or in part, the Court shall (unless the defendant shall in preference seek redress by a civil action for damages) award against the plaintiff in its decree the whole of the amount specified in his penalty bond, or such part thereof, as it may deem a reasonable compensation to the defendant for the expense or injury causelessly occasioned to him by the plaintiff, and further, where the sequestration shall appear to have been applied for wantonly or vexatiously, it shall be competent to the Court to impose a fine on the plaintiff, upon the principle of the rules contained in Sections LIII. and LIV. of this Regulation.

Compensation may be decreed for needless Sequestration.

SECTION XI.—*Claue* 1*st*.—Sequestrations before judgment shall not injure the rights of persons not parties to the suit, nor bar a creditor having a decree against the defendant from attaching the property under sequestration.

Sequestration no bar to the rights of persons not concerned, nor to the sale of Property under a Decree.

Clause 2*nd*.—But if the party at whose instance the property was sequestrated points out other property of the defendant unattached, the creditor shall be bound in the first instance to attach and sell such property in execution of his decree before selling the property under sequestration.

Unless other Property is pointed out for sale.

CHAPTER IV.

OF THE CONTINUATION AND COMPLETION OF THE PLEADINGS.

SECTION XII.—If the defendant appears and represents to the Court that the plaintiff does not reside within the zilla, the Court, on being satisfied of the fact, shall require the plaintiff to find security by the bond of some responsible person residing within the zilla, (according to the form contained in Appendix J) that he will pay all costs that may be awarded against him, and obey all orders of Court that may be passed both in the original trial of the suit and on appeal; and until such security bond is filed, of which notice shall be given to the defendant, he shall not be bound to answer.

Defendant appearing may require the Plaintiff's Security if the Plaintiff does not reside within the Zilla.

And Defendant need not answer until such Security is given.

SECTION XIII.—As soon as a defendant appears he shall have access to the plaint, for the purpose of providing himself with a copy thereof, and of any papers by which it may be accompanied, and he shall file a written answer containing the whole of the grounds of his defence, within eight days after he has been allowed access to the plaint, or if the plaintiff has been called upon to furnish security under the provisions of the preceding section, within eight days after receiving notice from the Court that the plaintiff's security bond has been filed.

Defendant's answer when to be filed, and what to contain.

SECTION XIV.—*Clause* 1*st*.—When the answer is filed, the plaintiff shall have access to it, for the purpose of providing himself with a copy thereof and of any papers

To be shown to the Plaintiff, and the Suit set down for hearing.

by which it may be accompanied, and the suit shall then be considered as completed, and shall be set down for hearing, unless the plaintiff should verbally apply to the Court for leave to file a reply, and such reply, if the Court should allow it to be made, shall be filed by the plaintiff within three days after he has been allowed access to the answer.

Unless the Plaintiff should wish to file a reply.
Such Reply when to be made.

Clause 2*nd.*—The reply shall simply acknowledge the truth of the answer, or deny either wholly or in part, the assertions contained in it, offering such explanations as may be necessary, but the plaintiff shall not be permitted to introduce in his reply any new matter that may not be required to explain facts stated for the first time in the defendant's answer.

Its Substance.

SECTION XV.—*Clause* 1*st*—When the reply is filed, the defendant shall be allowed access to it, for the purposes of providing himself a copy thereof, and of any papers by which it may be accompanied; and if he have any rejoinder to make, he shall file the same in writing within three days after he has been allowed access to the reply.

Defendant's Rejoinder when to be filed.

Clause 2*nd.*—The rejoinder shall be subject to the same rules as the reply, in regard to its contents, and, when it is filed, the plaintiff shall have access to it for the purpose of providing himself with a copy of it and of any papers by which it may be accompanied.

Its Substance.

SECTION XVI.—When there are two or more defendants in the same suit, they shall have the option of entering their pleadings separately.

Defendants in the same Suit may plead separately.

SECTION XVII.—*Clause* 1*st.*—Either party in a suit may wave his right of filing any of the pleadings mentioned in this chapter, without prejudice to the progress of the suit.

Parties may decline to file Pleadings.

Clause 2*nd.*—And if either of the parties shall have omitted to state in the regular pleadings any thing of material importance to his interest in the suit, it shall be competent to the Court to admit of supplemental pleadings at its discretion, and to fix the respective periods for the filing of the same.

And the Court for good cause may admit Supplemental Pleadings.

CHAPTER V.

OF WITHDRAWING SUITS.

SECTION XVIII.—*Clause* 1*st.*—It shall be competent to the plaintiff at any stage of a suit to withdraw the complaint, by filing an acquittance in writing (Razeenama), in which case he shall become liable for the costs of both parties.

The Plaintiff may withdraw his Suit.
But he becomes liable for Costs.

Clause 2*nd.*—Such acquittance shall not bar any action for damages competent to the defendant, nor prejudice his rights in any respect.

The Defendant may sue him for Damages.

Clause 3*rd.*—Nor shall it bar the Court from imposing a fine upon the plaintiff in conformity with the rules contained in Sections LIII. and LIV. of this Regulation.

And the Court may fine him if his Suit was groundless or vexatious.

CHAPTER VI.

OF FIXING THE TIME OF TRIAL, OF DEFAULTS OF TRIAL, AND OF THE LAW TO BE FOLLOWED.

SECTION XIX.—*Clause* 1*st.*—The Court shall cause a suit to be set down for hearing, if a defendant, who has been duly summoned, does not appear either personally or by vakeel at the time fixed.

A Suit to be declared ready for hearing if the Defendant fails to appear at the time fixed.

Clause 2*nd.*—Or if the pleadings are completed, or either party neglects to file any of these pleadings at the time fixed, and the Court sees no good cause for granting a longer period—provided however, that it shall be competent to the Court to receive

Or if the Pleading are completed or not duly filed.

any pleading after the time fixed for its being filed, even if the suit shall have been set down for hearing upon sufficient cause being shown for the delay.

Without good cause shown.

SECTION XX.—*Clause* 1*st.*—The suit set down for hearing shall be tried in the order in which they were filed, except when the Court, on application from either party or otherwise, may think proper for special reason to deviate from such order.

Order of Trial.

Clause 2*nd.*—The time for the commencement of the trial of a suit shall be appointed by the Court, and verbal intimation thereof shall be given to the party or parties in attendance either personally or by vakeel; the time of trial shall not be less than eight days after such intimation, except with the expressed consent of both parties.

Eight Days' Notice to be given to the parties.
Unless they wish it otherwise.

Clause 3*rd.*—The Serishtadar, or in the Court of a Commissioner, the Commissioner, shall from time to time make lists of the suit for the trial of which a day has been appointed, which shall be fixed up in some conspicuous part of the Court-room, at least seven days before the trial of such suit.

Lists of Suits appointed for Trial to be fixed up in the Court.

SECTION XXI.—*Clause* 1*st.*—If at the time fixed for the commencement of the trial, the plaintiff fails to appear, the Court shall strike the suit off the file, and on application to that effect by the defendant, shall pass an order rendering the plaintiff liable for the defendant's expenses in the suit, which order shall be enforced in the same manner as a decree.

If the Plaintiff is absent, the Suit may be struck off, and Payment of the Defendant's Expenses ordered and enforced.

Clause 2*nd.*—A suit struck off the file may be replaced, provided the plaintiff shall within ten days make a written application to that effect to the Court by which it was to have been tried, and show just and reasonable cause, to the Court's satisfaction, for the default which was made.

But a Suit struck off may under certain circumstances be replaced.

Clause 3*rd.*—If the application be rejected, a further application may be made to the Court to which an appeal in the suit would be competent, and the order of such Court shall be final; but such application, if to the Zilla Judge, shall be made within ten days, and if to the Suddur Dewanee Adawlut, within forty-five days, from the date of the rejection of the application by the lower Court.

If the application to replace it be rejected, an Appeal may be made against such order of Rejection.

Clause 4*th.*—When a suit is struck off the file, the plaintiff shall be at liberty to file a new suit upon the same grounds of action, and the date of the last proceeding, by which the order striking the former suit off the file was rendered final, shall be reckoned as the date on which the suit was struck off.

When a Suit is struck off, a new Action may be filed.

SECTION XXII.—*Clause* 1*st.*—If at the time fixed for the commencement of the trial, the plaintiff appears, and the defendant is absent, the Court, unless it should see good cause for allowing of further delay, shall, after investigating the cause of the plaintiff, and examining his exhibits and witnesses, pass judgment according to the proof adduced by the plaintiff.

If the Plaintiff only appears, the Suit to be tried *ex parte*.

Clause 2*nd.*—In such cases, it shall be competent to the Court, if it sees cause, to receive the oath of the plaintiff, as evidence in support of the allegations contained in the plaint.

And the Court may take the Plaintiff's Oath.

SECTION XXIII.—*Clause* 1*st.*—When both parties appear at the time of trial, the Court shall cause the pleadings to be read, and, if the points at issue are not therein clearly described, or from any other cause, further explanations may be requisite, the Court shall make such inquiries from the parties as may appear necessary with a view to ascertain the precise object of the action, and the grounds on which it is maintained, and shall record the result on its proceedings.

When both Parties appear, the grounds of the Suit to be clearly ascertained.

Clause 2*nd.*—The points to be established by the parties respectively having thus been defined and ascertained, the Court shall proceed to receive and weigh the evidence adduced.

And the Evidence adduced received and weighed.

SECTION XXIV.—*Clause* 1*st.*—In the trial of suits it shall be competent to every Court, in which an European authority presides, to avail itself of the assistance of respectable natives in either of the three following ways: *First*, by referring the suit or any point or points in the same to a punchaet of such persons, who will carry on

Courts in which Europeans preside may derive assistance from respectable Natives by employing them as a Punchaet.

their inquiries apart from the Court, and report to it the result, the reference to the punchaet and its answer shall be in writing, and shall be filed in the suit.

Or as Assessors.

Clause 2nd.—Or, *Second*, by constituting two or more such persons assessors or members of the Court, with a view to the advantages derivable from their observations, particularly in the examination of witnesses: the opinion of each assessor shall be given separately and discussed, and, if any of the assessors or the authority presiding in the Court should desire it, the opinions of the assessors shall be recorded in writing in the suit.

Or more nearly as a Jury.

Clause 3rd.—Or, *Third*, by employing them more nearly as a jury: they will then attend during the trial of the suit, will suggest as it proceeds such points of inquiry as occur to them, the Court, if no objection exists, using every endeavour to procure the required information, and after consultation with, deliver in their opinion.

But without controlling the Court's decision.

Clause 4th.—It is to be clearly understood, that under all the modes of procedure described in the three preceding clauses the decision is vested exclusively in the authority presiding in the Court.

When a Decree has been passed there can be no further Trial.

SECTION XXV.—When judgment has been given in a suit either for the plaintiff or the defendant, no new suit upon the same grounds of action shall be competent, and the suit shall be further heard only by way of appeal or review under the rules prescribed by the Regulations.

The Law to be followed by the Courts to be Acts of Parliament. Regulations of Government, Custom of the Country, Law of the Defendant, and Justice.

SECTION XXVI.—The law to be observed in the trial of suits shall be Acts of Parliament and Regulations of Government applicable to the case; in the absence of such Acts and Regulations, the usage of the country in which the suit arose: if none such appears, the law of the defendant; and in the absence of specific law and usage, justice, equity, and good conscience alone.

Hindoo and Mahumudan Law how ascertained.

SECTION XXVII.—*Clause 1st.*—When in any matter depending on the peculiarities of Hindoo or Mohumudan law a doubt arises regarding such law, the Court in aid of its judgment shall consult the officer or officers appointed to expound those laws respectively, in the manner prescribed in Regulation II. A. D. 1827, Section XIII. Clause 3rd.

Other Laws how ascertained.

Clause 2nd.—When in any matter depending on the peculiarities of any other law, or of a rule or usage of a sect or caste, a doubt arises regarding such law, rule or usage, the Court shall ascertain the same by examining persons versed in such law, or the heads of such sect or caste or other well-informed persons.

At the request of the Opponent, the Court may take the Oath of either Party. And such Oath shall be conclusive.

SECTION XXVIII.—*Clause 1st.*—If one of the parties should refer the truth of the whole matter in dispute, or of any item in the same, or of any material fact, to the oath of the other party, the judgment of the Court shall be governed by the oath of such party, if he consent to take the oath, whether admitting or denying the matter so referred to him.

The Court deciding in case of dispute to whom it shall be first tendered.

Clause 2nd.—If each party refer the same matter to the oath of the other, the Court shall decide to which of them the oath is to be first tendered.

CHAPTER VII.

OF EXHIBITS.

The Court to inspect all Exhibits produced, but to reject such as are inadmissable.

SECTION XXIX.—*Clause 1st.*—All exhibits produced by the parties shall be received and inspected by the Court, but it shall be competent to the Court, after inspection, to reject any exhibit which it may pronounce to be irrelevant, or on other grounds inadmissible.

Returning them to the Party who produced them.

Clause 2nd.—When an exhibit is rejected, it shall be endorsed with the number and title of the suit, the name of the party producing it, and the word "rejected,"

which endorsement shall be subscribed by the Court, and the exhibit shall be returned to the party who produced it.

When the time for appealing has elapsed, Exhibits to be restored. Unless good reasons exist to the contrary.

SECTION XXX.—*Clause* 1*st.*—When the time limited for appealing has elapsed, either party shall be entitled on application to receive back any exhibit produced by him in the suit, unless the further use of such exhibit has been superseded by the terms of the decree, or the Court has directed it to be detained for purposes of public justice, as on suspicion of forgery.

Exhibits may be restored at any time for good reasons.

Clause 2*nd.*—But any exhibit may be restored before such time has elapsed, by order of the Zilla Judge granted for special reasons.

A copy being retained.

And the Party's Receipt taken.

Clause 3*rd.*—Whenever any exhibit is restored, a copy authenticated by the Senior Assistant Judge, or other covenanted servant being an officer of Court, shall be substituted for it in the suit, and a receipt be granted by the party receiving it, either on the margin of the minutes of proceedings where the filing of the exhibit is entered, or in a separate receipt book to be kept for the purpose.

CHAPTER VIII.

OF COMMISSIONS FOR ASCERTAINING FACTS DEPENDING UPON LOCAL CIRCUMSTANCES.

Under certain circumstances the Court may direct a Local Investigation by a Commissioner.

SECTION XXXI.—*Clause* 1*st.*—When a question depending on local circumstances, such as the boundaries or extent of lands, or the direction of water-courses, occurs in a suit, the Judge may by an order of Court commission an Assistant Judge, one or more Commissioners, district, or village officers, or any other fit person or persons, to repair to the spot, and make the necessary investigation.

Who shall make Personal Inspection.

And report his Proceedings.

Clause 2*nd.*—The Commissioner shall carefully inspect the lands, water-courses, or other subject in dispute, and, if so directed, shall also take on the spot the depositions of the requisite witnesses, after which he shall make a report of his proceedings to the Court in writing, with his opinion on the matters committed to his investigation, accompanying such report with the depositions of witnesses, if any have been taken.

And if not a sworn Officer, shall take an Oath.

Clause 3*rd.*—The Commissioner, if not a sworn officer of Court, shall depose on oath before the Judge, or other person having authority to administer an oath, that his report has been truly and honestly made, which oath shall be subjoined or annexed to his report.

The Parties to attend at the Investigation.

Clause 4*th.*—Both parties shall have notice to enable them to attend the commission during the investigation.

At the conclusion of which the Commissioner may be remunerated.

Clause 5*th.*—When a person has been employed in a local investigation under a special commission, the Judge, if applied to by him, may award such sum for his trouble as he may deem reasonable.

CHAPTER IX.

OF WITNESSES.

Each Party to produce his Witnesses.

SECTION XXXII.—*Clause* 1*st.*—If either of the parties is desirous of examining a witness, he shall bring such witness into Court on the day of trial.

Or to apply in time to the Court, which will issue a Summons.

Clause 2*nd.*—But if he requires the assistance of the Court to procure the attendance of a witness, he shall apply in due time to the Court, which shall issue a summons (according to the form contained in Appendix K.) requiring him to attend.

To be served by a Person whose Expenses shall be duly regulated.

Clause 3rd.—The summons shall be served by a badged peon, and the Nazir's return endorsed upon the summons shall specify the name of the peon who served it, the date when it was served, and the charges of serving it; the charges shall be calculated according to the customary rate of travelling charges in the country, but shall in no case exceed four annas per day, and the day's journey shall in no case be reckoned at less than ten miles, the amount shall be included in the costs of suit, but shall be defrayed in the first instance by the party at whose application the summons was issued, and shall be levied, if necessary, in the same manner as witness's expenses.

And shall be included in the Costs, but shall be paid in the *first* instance by the Party requiring the Summons.

The Court may in certain cases substitute a sealed Letter, which shall be equivalent to a Summons.

Clause 4th.—Nothing contained in Clauses 2nd and 3rd of this Section shall be construed to prevent the Court from substituting for a summons a sealed letter, when the person whose presence is required is of a rank or class in society which may seem to entitle him to such mark of consideration: in such case the letter shall be deemed a summons, and a copy thereof shall be preserved in the suit, and shall bear the Nazir's endorsement.

A Witness not attending on a Summons.

May be summoned again or arrested.

Clause 5th.—If a witness on whom a summons has been served shall not appear at the time therein appointed, the Court, if applied to verbally by the party at whose instance he was summoned, may, according to the circumstances of the case, proceed to obtain his evidence without his attendance in Court, or issue a second summons, or direct the Nazir by warrant (in the form contained in Appendix L) to apprehend the witness and bring him before the Court.

All Persons competent Witnesses, except Insane Persons and Minors.

SECTION XXXIII.—*Clause 1st.*—All persons shall be competent witnesses who have arrived at years of discretion, and are of sane mind.

But Objections to the Examination may be made.

Clause 2nd.—But either party may object to the examination of a witness, on the ground of his having been convicted of a crime rendering him unworthy of credit, of his being related to the other party, of his being at violent enmity with the party objecting, or of his being interested in the event of the suit; and the objection, if the fact alleged is admitted to be true, or is otherwise substantiated, shall be entered in the minutes of proceedings; but the Court may, notwithstanding, receive the evidence of such witness, if it shall seem conducive to the ends of justice.

And if substantiated shall be recorded, though the Examination may, if requisite, proceed.

A Witness before Examination shall be admonished.

SECTION XXIV.—*Clause 1st.*—Before a witness gives evidence, the Court shall admonish him in the following or similar words; "*Be careful that you tell to the Court the whole truth and nothing but the truth in the matters on which you are now to be examined, or otherwise you will be liable to punishment as a false witness.*"

And if he gives false Evidence, will be punished as for Perjury.

Clause 2nd.—A witness who, after being so admonished, wilfully gives false evidence before the Court, shall be deemed to have committed perjury, and shall be liable to punishment accordingly.

But the Court may administer any Oath which it deems fit.

Clause 3rd.—It shall always be competent to the Court, if it deems it expedient, to cause to be administered to a witness such oath as may be considered most binding on his conscience.

A Perjury Witness to be proceeded against criminally.

Clause 4th.—If it appears to the Court that a witness in giving his evidence has committed perjury, it shall transfer him (with all relevant evidence) to the Criminal Judge, to be dealt with according to law.

Witnesses to be examined by the Parties and the Court.

SECTION XXXV.—*Clause 1st.*—When a witness has been judicially admonished or sworn, he shall be examined by the parties and the Court, in such order as the Court may direct.

Which shall prevent improper Questions.

Clause 2nd.—It shall be the duty of the Court to prevent any question being put which it may consider as irrelevant, as leading the witness, or as otherwise objectionable.

The Deposition to be signed by the Witness and the Court, and to be in the language of the Court.

SECTION XXXVI.—*Clause 1st.*—The deposition of each witness shall be taken down in writing by the Serishtadar, or other officer of Court, in the language and character used in the Court, and when completed it shall be signed by the witness with his name or mark, and shall be authenticated by the Court.

If known to the Witness, otherwise the Language best known to him, if possible to be used.

Clause 2nd.—But if the language used in the Court is not familiarly known to the witness, his deposition shall be taken in the language best known to him for which an interpreter can be found.

If the parties desire it, the Evidence need not be taken down,

SECTION XXXVII.—If both parties in a suit should express in writing such to be their wish, the recording of the evidence and proceedings at length shall be dispensed with, and the Court's notes alone shall be preserved: if a suit so tried be appealed, the said notes shall be held to be the record of the suit, and the facts therein recorded shall be deemed to be determined, the appeal being admitted only (so far as such facts are concerned) on the deductions drawn from them.

And on appeal, the Court's Notes must be deemed conclusive.

A Witness may for good reason be examined before the Trial,

SECTION XXXVIII.—If a witness whose evidence is required by either party is about to leave the zilla before the time of trial, or if other good and sufficient cause should be urged, the Court, on application of the party requiring his evidence, and on being satisfied of the fact alleged, may examine such witness before the trial, notice of the time appointed for the examination being previously given to the parties.

Both Parties receiving intimation.

A Witness may be examined out of Court, if unable to attend,

Or if a Female who is precluded from appearing in public,

Or a man of rank, if the Court see fit.

SECTION XXXIX.—*Clause* 1*st*.—If a witness, from sickness or other infirmity, is unable to attend in Court, or if a female witness is of a rank and caste which would render it improper to compel her to appear in public, the Court, if it deems the examination of such witness material to the cause, shall appoint one or more persons by a special commission to take her evidence: the Court may in like manner at its discretion obtain the evidence of a man of rank without enforcing his attendance in Court.

A Female may further remain veiled or concealed,

Her Identity being ascertained.

Clause 2*nd*.—It is further provided, that a female witness examined under the preceding clause may remain veiled or out of view during her examination, the Commissioner having satisfied himself, if necessary, by employing females or other unexceptionable persons, of her identity.

A Witness out of the Zilla to be examined by the Judicial Authority of the place where he resides, if within the Bombay Territories.

SECTION XL.—*Clause* 1*st*.—If a witness, whose evidence is material to the cause, resides within the jurisdiction of another Zilla Court under the Presidency of Bombay, or in the Island of Bombay, the Judge shall, by a letter signed by himself, and sealed with the seal of the Court, request in the former instance the Judge in whose jurisdiction the witness resides, and in the latter instance a Magistrate of Police, to examine such witness.

If not, Government to procure his evidence or not, as may seem expedient.

Clause 2*nd*.—But if such witness resides at any place beyond the territories subordinate to the Presidency of Bombay, the Judge shall prepare a commission addressed to any person whom he may appoint, and shall forward it to the judicial secretary, with a request that the Government will cause it to be transmitted to the Commissioner, in order that the evidence may be obtained, and the Government will comply with, or refuse, the application, as it may deem expedient.

A Commissioner to proceed himself to Witnesses who cannot attend, if the place be near, and within the Zilla,

Otherwise to report to the Judge.

SECTION XLI.—When any of the cases specified in Section XXXIX. Clause 1st, occur in a suit before a native Commissioner, he shall, if the witness resides at a convenient distance, and within the zilla, proceed to the spot, and take the evidence in person, but if the distance is such as to cause a material interruption to his business, or if the witness resides beyond the zilla, the Commissioner shall report the case to the Judge, who will, if it appears requisite, proceed as in similar cases arising in his own Court.

Evidence taken by Commission to be on Interrogatories previously submitted to the Court.

SECTION XLII.—In all cases where evidence is taken by commission, such evidence shall be obtained in writing on oath, or otherwise as may be required, by means of written interrogatories to be submitted by the parties, and approved by the Court; which interrogatories shall be returned into Court with answers signed by the witness, and countersigned by the Commissioner.

Both Parties may attend, and put proper Questions.

SECTION XLIII.—Both parties may attend the examination of a witness before a Commissioner, of which, as far as practicable, they shall receive notice, and may put such further questions as the Commissioner may think competent.

Commissioners may be remunerated.

SECTION XLIV.—When a person has been employed in taking evidence under special commission, the Court, if applied to by him, may award such sum for his trouble as it may deem reasonable, which shall be levied in the same manner as witness' expenses.

Witnesses' Expenses to be paid immediately by the Party calling them,
On pain of Fine and Imprisonment in case of failure.

SECTION XLV.—*Clause* 1*st.*—If a person called as a witness shall have been subjected to any expense by his attendance at the trial; the Court may award him such sum for his charges as may appear reasonable, and in default of immediate payment, may, if it see cause, commit to prison, for contempt, the party by whom he was called, for a period not exceeding sixty days, unless the charges are sooner paid, together with any fine, not exceeding the amount of the charges which the Court may impose.

Such Expenses being further leviable by Distraint.

Clause 2*nd.*—It shall further be competent to the Court, on application from the witness, and whether the party be committed to prison or not, to proceed to the recovery of the amount due to the witness by distraint, in the same manner as in the recovery of the amount of a decree.

Accounts to be kept of Payments to the Witnesses.

Duly authenticated.

Clause 3*rd.*—The Serishtadar, or, in the Court of a Commissioner, the Commissioner shall keep in each cause an account of the sums paid to witnesses by order of the Court, but he shall enter no sums therein except those for which the party may produce a receipt by the witness.

CHAPTER X.

OF NOTICE TO BE GIVEN TO CO-HEIRS INTERESTED IN SUITS WHICH HAVE BEEN INSTITUTED WITHOUT THEIR PARTICIPATION.

In Succession, Suits of Co-heirs to receive due intimation by Proclamation.

SECTION XLVI.—*Clause* 1*st.*—Whenever, in a suit depending on the rules of succession, it does not appear that all the persons who possess a title to the property in dispute as heirs have been made parties in the suit, the Court shall stay its proceedings, and issue a proclamation (according to the form contained in Appendix M), explaining the nature of the suit, and the names of the parties, and inviting all persons having any claim to the property as heirs, to prefer the same within a period to be specified, and not to be less than fifteen days from the date of the proclamation.

Duly published.

Clause 2*nd.*—The proclamation, as far as circumstances will admit, shall be published in the manner prescribed in Section VIII. Clause 10th of this Regulation.

If no Claimant appears, the Suit to proceed,

SECTION XLVII.—*Clause* 1*st.*—If, after the expiration of the specified period, no claimant has appeared, the Court may proceed as in ordinary cases.

If otherwise, the Claimant to be admitted as a party,
Being liable for a Share of the Costs.

Clause 2*nd.*—If a claimant appears, and becomes a party to the suit, the Court shall investigate his claim, and pronounce a decision thereon, in the same manner as upon those of the other claimants, adjudging him at the same time to pay a due proportion of the costs of the suit.

But the Decree not to affect Persons not knowingly Parties in the Suit.

Clause 3*rd.*—But no decree which may be passed in the suit shall bar a person claiming as heir, and who was not knowingly a party in such suit, from prosecuting his right to the whole or any part of the property in dispute by the ordinary course of law.

CHAPTER XI.

OF CONTEMPTS.

Non-attendance of a Witness without sufficient cause punishable

With fine and Imprisonment.

SECTION XLVIII.—If a witness, who has been apprehended and brought before the Court is not able to substantiate that he was prevented from obeying the summons by a valid cause, the Court may, according to the circumstances of the case, impose a fine on such witness not exceeding 500 rupees, and, in default of payment, commit him to close custody for a period not exceeding three months, unless the fine is sooner paid.

As also contumacious Refusal to give Evidence.

SECTION XLIX.—*Clause* 1*st.*—If a witness attending the Court refuses to give evidence, and does not assign a sufficient reason for such refusal, the Court, according to the circumstances of the case, may impose a fine upon him not exceeding 500 rupees, and in default of payment commit him to close custody for a period not exceeding three months, unless the fine is sooner paid.

Even should he afterwards give it.

Clause 2*nd.*—If the Court is of opinion that the evidence of such witness is material to the suit, it shall be in its discretion to commit him to close custody until he gives his evidence, and although he is so committed, the fine prescribed in the above clause may nevertheless be imposed, the date of imprisonment in default of payment being computed from the day when he gave his evidence.

A Witness refusing to sign his Deposition punishable with Fine and Imprisonment.

SECTION L.—If a witness after giving his evidence refuse to sign the deposition, the Court shall subscribe the deposition, which shall then be considered as part of the evidence in the suit, and such refractory witness shall be liable to be punished in the same way as a witness refusing to give evidence without assigning sufficient cause for such refusal, under the rules contained in the first clause of the preceding section.

Impropriety of language and manner in any Person,

And Prevarication in a Witness, punishable with Fine and Imprisonment.

SECTION LI.—If any person employs terms of abuse in pleading, or uses insolent language or gestures in Court, or otherwise disturbs the proceedings of the Court, or if he wilfully prevaricates when examined as a witness, the Court may immediately punish the offender by a fine not exceeding (500) five hundred rupees, and in default of payment commit him to close custody for a period not exceeding three months, unless the fine is sooner paid.

As also Resistance by any one of the Court's Process.

SECTION LII.—If any person obstructs or resists the execution of any process, rule, order, or decree of Court, the Court, on proof of the fact, may order the offender to be summoned, or taken into custody, as the case may require, and after an investigation of the circumstances may impose a fine on the offender not exceeding (500) five hundred rupees, and in default of payment commit him to prison for a period not exceeding three months, unless the fine is sooner paid.

And the Institution of groundless and vexatious Suits.

SECTION LIII.—When the Court is satisfied that a suit has been instituted groundlessly, or for vexatious purposes, it may impose a fine upon the plaintiff not exceeding (500) five hundred rupees, and in default of payment commit him to close custody, for a period not exceeding three months, unless the fine is sooner paid.

The Fine in all Cases being of smaller amount in the Lower Courts than in that of the Judge.

SECTION LIV.—Whenever any of the above cases of contempt occurs in the Court of an Assistant Judge or Commissioner, the fine to be imposed on the offender shall not exceed, in the Court of a Senior Assistant Judge, one-half, and in the Court of a Junior Assistant Judge or Commissioner, one-tenth of the highest fine that can be imposed in similar cases by the Judge; but the term of imprisonment may be the same.

Fines imposed by the Judge or Senior Assistant Judge open to Appeal.

SECTION LV.—*Clause* 1*st.*—Orders imposing fines under any of the preceding sections of this chapter passed in the Courts of the Judge and Senior Assistant Judge shall, without staying execution in the interim, be open to appeal to the Suddur Dewanee Adawlut and Zilla Judge respectively, and the decision passed on such appeal shall be final.

And in the Lower Courts leviable only after a Review of the Case.

Clause 2*nd.*—And if a Junior Assistant Judge or Commissioner pass an order, imposing a fine or awarding punishment, under any of the preceding sections of this chapter, he shall in no case imprison the offender or levy the fine, but shall without delay report the proceedings to the Judge, who, if he approves of the punishment, shall issue an order to the Nazir to levy the fine, and in default of payment commit the offender to close custody, for a period not exceeding the highest term of imprisonment prescribed for the case, unless the fine is sooner paid.

Persons imprisoned for Contempt may be lodged in the Civil or Criminal Jail.

SECTION LVI.—*Clause* 1*st.*—Persons imprisoned for contempt shall be confined either in the Civil or Criminal Jail, at the discretion of the Court, and the subsistence of the offenders shall be provided for in the same way as that of prisoners in the Criminal Jail.

The Zilla Judge executing the Sentence of the Suddur Adawlut.

Clause 2*nd.*—Commitments for contempt issued by the Suddur Adawlut shall be executed by the Zilla Judge, on a precept being issued for that purpose.

The party injured by the Contempt may always sue the Offender for Damages.

Clause 3*rd.*—Punishments adjudged under any of the preceding sections of this chapter shall not bar a party from instituting an action for damages for any injury he may have sustained by the offences for which the punishments were awarded.

CHAPTER XII.

OF COSTS.

Items constituting Costs of Suits.

SECTION LVII.—*Clause* 1*st.*—Under the denomination of "costs" are to be included the whole of the expenses necessarily incurred by either party on account of the suit, and in enforcing the decree that may have been passed therein under the authority of any Regulation, such as the expense of summoning defendants, taxes on law proceedings, fees of attornies, subsistence money to the Nazir's officers, charges of witnesses, and sums awarded to commissioners employed either in local investigations or in taking evidence.

Which each Party in the first instance pays for himself.

Clause 2*nd.*—Each party shall pay in the first instance the costs incurred in his behalf.

If either Party proves his Case entirely, the other to pay all Costs.

SECTION LVIII.—*Clause* 1*st.*—If by the decree the suit is dismissed, or if the plaintiff is found entitled to the full possession of the property, or the full amount of the sum sued for, or if judgment is given for the defendant, the whole costs of suit shall be paid by the party against whom the decree is made, unless the Court shall think that any part of the proceeding was needless, or that any unnecessary expense was incurred.

Unless needless Proceedings or Expenses are shown.

When part of the Claim is admitted, the Costs to be divided.

Clause 2*nd.*—If the decree is given for a less sum than was sued for, the costs shall be paid by the parties in such proportions as the Court may direct.

And in extraordinary Cases apportioned at the Court's discretion, for reasons shown in the Decree.

Clause 3*rd.*—In extraordinary cases the Court may direct the costs to be paid by either party, and in the proportions that may be equitable; the reason for such deviation from the ordinary rule being specified in the decree.

CHAPTER XIII.

OF ENFORCING SECURITY BONDS TAKEN IN SUITS.

Injuries occasioned by Defaults to be redressed at the Expense of the Security for the Defaulter.

SECTION LIX.—If a party in a suit who has furnished security makes default, the other party in the suit, if injured by the default, shall present a petition to the Court, reciting the circumstances of the case, and stating the default, the extent of the loss occasioned to him thereby, and the liability of the surety; whereupon the Court shall investigate the matter, and pass such order as may be consistent with justice and the Regulations, and shall cause the same to be executed in the same manner as a decree of Court, such order being in like manner also open to appeal.

An Appeal being allowed.

CHAPTER XIV.

OF THE DECREE AND ITS ENFORCEMENT.

Judgment in Suits to be given by a written Decree.

SECTION LX.—*Clause* 1*st.*—When the pleadings and exhibits have been read, the parties heard, the witnesses examined, and the whole proceedings in the suit completed, the Court shall give judgment by a written decree.

Which shall specify all necessary matters connected with the Suit.

Clause 2*nd.*—The decree shall specify the number of the suit, the amount sued for, and the names of the parties; it shall also recite in abstract the nature and substance of the complaint, the judgment of the Court and an abstract of the reasons thereof, the amount awarded, if the decree be for money, and if for any object, the execution of which may possibly be impracticable an amount of money as an alternative, the amount of costs awarded and that of fine, if the suit is deemed groundless or vexatious.

Instalments may be specified in the Decree.

Clause 3*rd.*—The Court may, by consent of parties, decree the sum awarded to be paid by instalments, which shall be specified in the decree.

And Interest as the Court may deem fit allowed.

Clause 4*th.*—The Court may add in the decree interest on the whole sum sued for, or on any part thereof, from the date of filing the suit, till the date of the decree.

The papers in the Suit and the Costs to be specified in the Decree.

Clause 5*th.*—A list of the pleadings, depositions, exhibits, and other documents in the suit, on account of the costs incurred by the plaintiff, and a similar account of the costs incurred by the defendant, shall also be inserted in the decree.

Decrees to be enforced on application to the Court.

SECTION LXI.—*Clause* 1*st.*—If the party against whom a decree has been passed shall fail to fulfil such decree, either wholly or in part, the Court, on application of the other party, shall direct it to be enforced.

Commissioner's Decrees to be enforced by the Judge or one of his Assistants.

Clause 2*nd.*—But if the decree has been passed by a Commissioner, the application for enforcing it shall be addressed to the Judge, who may either decide on it himself, or delegate authority for that purpose to an Assistant Judge..

Decrees not to be enforced until ten Days after their dates.

Clause 3*rd.*—No order for the enforcement of a decree shall be passed until ten days from the date of the decree, except for special causes to be shewn to, and approved by, the Court.

Decrees against the same Defendant to be satisfied according to priority of Plaints.

Clause 4*th.*—If more suits than one have been instituted against the same defendant, the plaintiffs obtaining decrees in their favour, in the absence of any special ground of preference in regard to any particular claim, shall be entitled to demand the full enforcement of their decrees, according to the relative priority of their plaints.

Unless they were filed within twenty Days of each other.

Clause 5*th.*—But if the plaints were filed within the period of twenty days of each other, the decrees, in the absence of any special ground of preference as stated in the preceding clause, shall, upon the verbal application of any of the holders to that effect, be satisfied simultaneously, and, if their full discharge is impracticable, then each in proportion to its respective amount.

Applications for enforcement of Decrees to specify the nature of the assistance required.

SECTION LXII.—*Clause* 1*st.*—The application for the enforcement of a decree shall state the mode in which the assistance of the Court is required, whether in the occupation of property specifically decreed, the arrest and imprisonment of the debtor, or the attachment and sale of any of his moveable or immoveable property, in which case such property must be distinctly specified, with the probable value thereof; and an authenticated copy of the decree, which may be procured on verbal application, and the production of any stamped paper required, shall accompany the application, and shall bear an endorsement specifying the nature and extent of any satisfaction which may have been made by the debtor; the copy of the decree shall after inspection be returned to the applicant.

And to be accompanied by an attested Copy of the Decree, bearing a Memorandum of any satisfaction made.

The Court to enforce the Decree according to the same.

Clause 2*nd.*—The Court shall, on receiving the application, issue such order as may be requisite towards the enforcement of the decree; if it be for land or other immoveable property, the same shall be delivered over to the plaintiff; if it be for any specific moveable property, or for the performance of any particular act, the same shall, if practicable, be respectively delivered and enforced, and if this be not practicable, whether from the wilful opposition of the defendant or others, or from other causes, payment of the pecuniary equivalent specified in the decree shall, without prejudice to the operation of the provisions of Section LII., be enforced in the same way as decrees for money are enforced, by the arrest and imprisonment of the defendant, or the attachment and sale of his property, as specified by the plaintiff, or by both; but it is to be clearly understood that if the defendant shall point out any of his property for sale in preference to that specified by the plaintiff, the property so pointed out shall be first

The Debtor having the option of Property to be sold.

And Articles absolutely required to procure him Subsistence being exempted.

sold, and that such implements of manual labour, and such cattle and implements of agriculture, as may in judgment of the Court from which the process issues be indispensable for the defendant to earn a livelihood in his respective calling, or cultivate any land that he may hold for that purpose, shall be exempt from attachment.

The Nazir to execute Decrees at the Suddur Station and the Commissioners elsewhere,
And to make Return as directed.

Clause 3*rd.*—When a decree is to be enforced at the Suddur Station or in its vicinity, the order shall be issued to the Nazir, and when in a subordinate district, to the Commissioner of the district, and a return to the order shall be made, when it is fully executed, or at such period as may be specified in the order, which shall in no case be more than six months from the date of the order.

Subsistence Money of a Defendant in the Jail how fixed and furnished.

SECTION LXIII.—*Clause* 1*st.*—When a defendant under a decree is committed to prison at the instance of the plaintiff, the Judge shall fix whatever monthly allowance he shall think sufficient for the defendant's subsistence, not being more than (100) one hundred reas per day, which shall be supplied by the plaintiff to the Nazir by monthly payments in advance on or before the 1st day of each month, the first payment being made on the date of imprisonment for such portion of the current month as remains unexpired.

A Defendant not guilty of Fraud never to be confined for more than three Years, and under certain circumstances to be sooner released.

Clause 2*nd.*—A defendant in confinement will be released at any time on full execution of the decree being made, or at the instance of the plaintiff or on the plaintiff's omitting to pay the allowance as above directed for the space of (24) twenty-four hours after it has become due, and further, if the defendant should not previously have sought to procure his enlargement by the surrender of his property under the rules contained in the succeeding section, his imprisonment, on account of the decree which occasioned it, shall not in any case exceed three years.

Subsistence Money is recoverable from Property, but will not occasion Imprisonment.

Clause 3*rd.*—Sums disbursed by a plaintiff for the subsistence of a defendant in jail shall be added to the decree, and shall be recoverable from his property under the ordinary rules, but the defendant shall not be detained in custody or arrested on account of such disbursements.

A Defendant will at any time obtain Release on surrendering his Property.

SECTION LXIV.—*Clause* 1*st.*—A defendant in confinement may at any time procure his enlargement by making an application to the Judge to that effect, and furnishing in writing a full and fair account of all his property of whatever nature, whether in expectancy or in possession, and whether held exclusively by himself or jointly with others, or by others in trust for him, and of the places respectively where such property is to be found, and moreover assigned to the plaintiff the whole of such property or such part thereof as may be sufficient for the satisfaction of the decree: in such case the Judge shall cause the plaintiff to be furnished with a copy of the account of the defendant's property, and require him within a reasonable period, to be fixed by the Judge, to make proof of any fraudulent concealment or misrepresentation made by the defendant, and on his failing to make such proof within the period specified, shall cause the defendant to be set at liberty.

But if he commit Fraud, the Plaintiff may detain him for five Years in Jail.

Clause 2*nd.*—But if the plaintiff shall within the time specified, or at any subsequent period, prove to the satisfaction of the Judge, that the defendant, for the purpose of procuring his enlargement without satisfying the decree, wilfully concealed or undervalued property, or his right or interest therein, or fraudulently transferred or removed property, or committed other act of bad faith, the Judge shall, at the instance of the plaintiff, either retain the defendant in confinement, or commit him to prison, as the case may be, (unless he shall already have been confined five years on account of the decree,) and such fraudulent defendant shall be liable to imprisonment for a period not exceeding five years in the whole on account of that decree, but terminable at any time on full execution of the decree, or at the instance of the plaintiff, or on his failing to pay the subsistence money as specified in the preceding section.

A Defendant never to be twice imprisoned except in the case of such Fraud.

SECTION LXV.—A defendant once enlarged shall not again be imprisoned on account of the same decree, except under the operation of the 2nd clause of the preceding section, but his property will continue liable to attachment and sale under the ordinary rules, in satisfaction of the decree, until the same shall be fully made.

Sales of Property in satisfaction of Decrees to be made by Public Auction at least fifteen Days after Proclamation.

SECTION LXVI.—*Clause* 1*st.*—Whenever a sale of property takes place under a decree it shall be by public auction, and after not less than (15) fifteen days' public notice by proclamation.

Of the Articles to be sold.

And the time and place of Sale, unless objected to upon good grounds.

Clause 2*nd.*—The proclamation shall be according to the form in appendix N, and shall contain a specific inventory of the articles of property to be sold, and intimation that the sale will proceed at a time and place therein mentioned, unless the same shall be objected to by some person, other than the alleged owner, who within (15) fifteen days from the date of such proclamation shall establish to the satisfaction of the creditor or of the Court a right or interest in the property under attachment, or shall engage, under such penalty as may be imposed, to file within (30) thirty days from the date of the intended sale a suit in Court, to establish such right or interest.

Proclamation where to be made.

Clause 3*rd.*—A copy of the proclamation shall be fixed up at the place where the property is situated, and also at the most public part of the town or village, and in such other places as the order of Court may direct.

If a third Party appears,

And urges good grounds for the Measure,

A Sale may be stayed.

Or proceed without prejudice to such third Person's Claim.

SECTION LXVII.—*Clause* 1*st.*—If, before the sale has taken place, any person, other than the alleged owner of the property, intimates to the Court or to the officer superintending such sale, that he has a right or interest in the property, and either establishes the same, on the one hand, to the satisfaction of the creditor, or of the Court, or its officer, as the case may be, or engages, on the other hand, to institute a suit within (30) thirty days from the date of the intended sale for the purpose of establishing it, the Court or the officer superintending the sale shall, at the option of such claimant, while his demand is unsatisfied, either cause the sale of the property to be stayed until his claim is decided upon, and attachment to be removed, when the claim is established, or cause the property to be sold under an express declaration by proclamation issued as prescribed in Section LXVI. Clause 3rd, at least ten days previously to the sale, exclusively of the period specified in Clause 1st of that Section, that such property is sold subject to the right or interest advanced thereto by the claimant, provided that the same shall be established in a competent Court as prescribed by the Regulations.

Sale to be stayed temporarily only by the Ministerial Officers employed, and definitively by the Court.

Clause 2*nd.*—An order of the Nazir or other officer for removing an attachment or staying a sale, shall be of force only until an order of Court can be passed upon his return to the order of sale, in which he shall be careful to explain the grounds on which he acted.

Suits upon Sales stayed to be tried as soon as possible.

Clause 3*rd.*—In all cases where a suit is filed to establish a right to property under attachment, it shall be heard and determined as soon after the pleadings are completed as circumstances will permit, without regard to the order in which it stands upon the file.

Decrees to be satisfied from Property according to priority of Attachment.

SECTION LXVIII.—Whenever property of a debtor is attached to answer a decree, such attachment shall give the creditor a right to be paid from the proceeds of the property attached, in preference to a creditor who may have subsequently attached it to answer a decree of an earlier date.

Crops not to be disposed of separately from the Land until after reaping.

SECTION LXIX.—*Clause* 1*st.*—Land and its crop, of whatever kind, shall not be attached and sold separately until after the crop has been reaped or gathered.

And when reaped they may be attached by the Collector in satisfaction of the Revenue of the Year.

Clause 2*nd.*—When corn or other production of the soil is attached and sold, the collector or his officers may prevent its being sold or carried off the lands, unless the purchaser shall pay the amount due on account of the revenue of such lands; but in no case shall the purchaser be liable for more than one year's revenue.

And by Landholders upon the same principles in satisfaction of the Rent of the Year.

Clause 3*rd.*—The same right of detention for arrears of rent, similarly restricted, shall be exercised by a landholder where his tenant's corn or other production of the soil is attached.

Decrees of one Zilla may be enforced in another.

SECTION LXX.—*Clause* 1*st.*—A decree passed in one zilla may be enforced under the general rules in another zilla by the Judge thereof, but if the application for enforcement in such other zilla is not received from the Judge of the zilla in

On reference, if necessary, to the Judge of the Zilla in which they were passed.

which it was passed, it shall be transmitted to him previously to enforcement, and such Judge shall return it as soon as possible with an endorsement under his seal and signature, specifying the extent to which the decree appears to have been executed within his zilla.

The Defendant's person and property being detained in the mean time.

Clause 2*nd.*—But pending the reference prescribed in the preceding clause, the debtor may be arrested, or obliged to find security that he will not leave the jurisdiction, and his property may be attached.

Decrees of the Bombay Court of Requests and competent authorities in the Bombay Territories beyond the Zillas, to be enforced in like manner.

Clause 3*rd.*—The rules contained in the two preceding clauses shall be applicable also to decrees of the Court of Requests at the Presidency, and to decrees passed by competent authority in those parts of the territories subordinate to Bombay, in which Zilla Courts have not been established.

CHAPTER XV.

OF THE REVISIONS OF ORIGINAL DECREES.

Application for revision of a Decree may be made in certain cases.

SECTION LXXI.—*Clause* 1*st.*—If either party should deem himself aggrieved by a decree, and should have strong and evident grounds to urge against the justice of the same, such as an error or omission being apparent on the face of it, or the discovery of new matter or evidence which was not within his knowledge, or could not be adduced by him at the time when the decree was passed, he may solicit a revision of the decree by written application to the Court which passed it.

Rejection of a Revision to be final.

But Revision to be granted only with the concurrence of the respective Court of Appeal.

Clause 2*nd.*—If the Court, after a full consideration of the grounds of the application, should be of opinion that the reasons urged for revision of the decree or order are insufficient, it shall reject the application, and the order of rejection shall not be open to appeal: if it should, on the contrary, judge them to be adequate and convincing, the application shall, if made to a subordinate Court, be referred with the sentiments of the Court to the Zilla Judge, and, if made to the Zilla Judge, shall be referred with his sentiments to the Suddur Dewanee Adawlut, for final decision by those authorities, respectively.

One Revision only competent, but this may be granted on either Party's application.

Clause 3*rd.*—One revision only of a decree shall be competent, but both parties in the suit may make applications for a revision, and the rejection of the one shall not influence the decision on the other.

But not if an Appeal has been admitted.

Clause 4*th.*—No revision shall be granted, if an appeal to a superior Court has been admitted.

Decrees under Revision to be executed or not, according to circumstances.

Clause 5*th.*—When a revision has been granted, execution of the decree shall be regulated according to the provisions of Section LXXXI. and LXXXII. on the subject of decrees in suits under appeal.

Revisions how to be conducted.

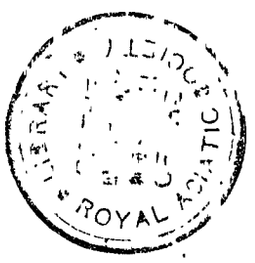
Clause 6*th.*—When a revision is admitted, it shall be competent to the Court by which the decree was passed to take such additional evidence and pleadings as may have been omitted, and to pass a new decree thereon, which shall be held to stand in the place of the first decree in all respects.

CHAPTER XVI.

OF THE ADMISSION AND REJECTION OF APPEALS.

Decrees of Commissioners and Junior Assistant Judges appealable to the Judge, whose decision is final.

SECTION LXXII.—*Clause* 1*st.*—Every suit originally tried by a Commissioner, or a Junior Assistant Judge, shall be open to an appeal to the Judge, and, if such appeal be tried by the Judge, his decrees shall in all cases be final, but, if it be referred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under Regulation II. A. D. 1827, Section XXVIII. Clause 6th, to a Senior Assistant Judge, the decree of the Senior Assistant shall be final, only in case it affirms the decision of the Lower Court.

But the Suit may be referred to the Senior Assistant Judge, whose decision is in some cases final.

Clause 2*nd*.—Every suit tried in an appeal by a Senior Assistant Judge, in which the decree in appeal modifies or reverses that of the Lower Court, shall be open to an appeal to the Judge, whose decree shall in all cases be final.

And in others appealable to the Judge, whose decision is final.

Clause 3*rd*.—Every suit originally tried by a Senior Assistant Judge shall be open to an appeal to the Judge of the Zilla, whose decree, if it affirms that of the Lower Court, shall be final, but if it modifies or reverses such decree, further appeal to the Suddur Dewannee Adawlut shall be open to the defendant, if more than five hundred (500) rupees is adjudged against him by the Zilla Judge, and to the plaintiff, if more than five hundred (500) rupees of his original demand is disallowed by the same authority, beyond what was adjudged or disallowed by the Lower Court.

Senior Assistant Judge's Original Decrees appealable to the Judge, whose decision is in some cases final.

And in others appealable to the Suddur Dewannee Adawlut.

Clause 4*th*.—Every suit originally tried by a Zilla Judge shall be open to an appeal to the Suddur Dewannee Adawlut.

Judge's Original Decrees appealable to the Sudder Dewannee Adawlut.

Clause 5*th*.—But if the suit is against a British-born subject residing, trading, or occupying immoveable property in the Zilla, under the circumstances specified in Regulation II. A. D. 1827, Section XLVI, it shall be competent to such British-born subject, as enacted in the act of Parliament, 53rd George III. Chapter 155, Section 107, instead of appealing to the Suddur Dewannee Adawlut, to appeal to His Majesty's Supreme Court of Judicature in Bombay.

And in certain cases to H. M.'s Supreme Court of Judicature.

SECTION LXXIII.—*Clause* 1*st*.—In all cases where a party is desirous of appealing, he shall apply by petition addressed to the Court in which the appeal is cognizable, which shall be presented to the Judge of the Zilla, excepting in appeals to His Majesty's Supreme Court of Judicature at Bombay in suits against British-born subjects, and in appeals to the King in Council.

Petitions of Appeal to be addressed to the Appeal Court, and presented to the Judge.

Except in certain cases.

Clause 2*nd*.—If the decree was passed by any Court subordinate to the Zilla Judge, the petition shall be presented within thirty (30) days, and if by a Zilla Judge, within ninety (90) days from the date of such decree.

Appeals to the Judge must be made within 30, and to the Suddur Adawlut within 90 Days from the date of the Decree.

Clause 3*rd*.—It shall nevertheless be competent to the Judge after the expiration of the prescribed period, if the appeal is to himself, to grant the same, and if it is to the Suddur Dewannee Adawlut, to admit it temporarily, subject to the decision of the Superior Court upon the point, provided that the appellant can show to the Judge's satisfaction just and necessary cause for not having preferred it in due time, but in all such cases, the reasons inducing the measures adopted shall be fully stated in the minutes of proceedings.

But may be admitted after these periods.

For good reasons.

SECTION LXXIV.—*Clause* 1*st*.—The petition shall specify the number of the suit, the date when it was filed, the subject of the complaint, the assumed value of the property in dispute, the sum claimed or the amount of damages alleged to have been sustained, as the case may be, the date of the decree from which the party is desirous of appealing, and such other particulars as he may deem of importance.

The Petition, what to contain.

Clause 2*nd*.—The petition shall be signed by the appellant or his recognized agent or authorized vakeel, and if a vakalutnama is required under the Regulations, it shall accompany the petition.

And how to be authenticated.

SECTION LXXV.—The appellant along with his petition shall deliver good and sufficient security, according to the form contained in Appendix O. for payment of the costs that may be awarded on the appeal to the respondent; and without such security no petition of appeal shall be admitted, except on proof that the appellant is a pauper.

Security for Costs must be given by the Appellant.

SECTION LXXVI.—If on any account the application to appeal is rejected, the Judge shall cause an entry to be made on the minutes of proceedings of the reasons for rejecting it, and if applied to, he shall furnish the petitioner with an authenticated copy of the petition, and of the entry so made.

Petition of Appeal, how rejected.

And how admitted.

SECTION LXXVII.—*Clause* 1*st.*—If the application to appeal is admitted, the Judge shall cause the date on which the petition was presented to be endorsed thereon, and shall subscribe the endorsement; he shall also cause the word "*appealed*" to be written on the margin of the minutes of proceedings opposite to the decree in the suit.

And if to the Suddur Dewannee Adawlut, how further disposed of.

Clause 2*nd.*—And if the appeal is to the Suddur Dewannee Adawlut, he shall forthwith transmit the petition and security bond to that Court.

All Papers of Suits appealed to the Suddur Dewannee Adawlut with a Copy of the Court's Proceedings to be sent forthwith to the Superior Court.

SECTION LXXVIII.—*Clause* 1*st.*—When the appeal is to the Suddur Adawlut, the Judge shall within fifteen (15) days, or as soon after as circumstances will permit, forward to that Court the proceedings in the suit, including the whole of the original papers used in the suit, and remaining in the custody of the Court, together with an authenticated copy of the minutes of proceedings.

With an Inventory in duplicate, one Copy of which is to be returned.

Clause 2*nd.*—The papers so forwarded shall be accompanied by an inventory in duplicate, of which one copy shall be returned to the Zilla Judge, signed by the Register or Assistant Register of the Suddur Dewannee Adawlut, and the other retained on the records of that Court.

Copies of all Papers forwarded to be retained.

SECTION LXXIX.—*Clause* 1*st.*—Authenticated copies of all original papers forwarded to the Suddur Dewannee Adawlut shall be made and deposited in the Zilla Court, which copies shall be deemed records of the Court.

Further Proceedings to be in like manner forwarded, and Copies retained.

Clause 2*nd.*—Any further proceedings that may take place in the Zilla Court pending the appeal shall in like manner be forwarded to the Suddur Dewannee Adawlut, copies being retained for record.

When the Original cannot conveniently be sent, Copies to be forwarded.

But the Superior Court may call for the Original.

Clause 3*rd.*—If any original exhibit is entered in a book, so that it cannot without great inconvenience be forwarded to the Suddur Dewannee Adawlut, the Judge shall transmit an authenticated copy of such exhibit, and certify thereon the reason why it was substituted, but it shall nevertheless be competent to the Suddur Dewannee Adawlut to call for the original exhibit.

When an Original is not forthcoming, Copy from the General Register may be sent.

Clause 4*th.*—If any original paper, which has been registered in the General Register, shall have been lost or destroyed, a copy of such paper certified by the Superintendent of the Register shall be transmitted to the Suddur Dewannee Adawlut in place of the original.

The Parties to be informed of the admission of the Appeal.

SECTION LXXX.—When an appeal is admitted, the Judge shall cause to be given to the parties a notice according to the form contained in Appendix P.

CHAPTER XVII.

OF STAYING AND EXECUTING DECREES UNDER APPEAL.

Execution of Decrees under Appeal shall be stayed.

SECTION LXXXI.—*Clause* 1*st.*—When an appeal has been admitted in any suit, no order for enforcing the decree shall be issued pending such appeal, and if an order for enforcing the decree has been issued, the execution of such order, so far as it may be unexecuted, shall be suspended pending the appeal.

But the Appellant shall be required to find proper Security.

Clause 2*nd.*—But the Judge, if applied to by the respondent, shall require the appellant, if in possession, to find a good and sufficient security according to the form contained in Appendix Q. in a sum equal to one year's amount of the annual produce of any land, house, or other immoveable property, the right to which was decided by the decree, and forms the subject of appeal, and with respect to other property good and sufficient security, in an amount equal to the sum of money or value of the thing decreed, for the performance of the decree which may be passed upon the appeal.

And if he fails to do so, the Decree may be enforced under certain restrictions if the Respondent finds proper Security.

SECTION LXXXII.—*Clause* 1*st.*—If the appellant when so required fails to find the prescribed security, the decree may be enforced, as in ordinary cases, notwithstanding the appeal, except that the debtor shall not be liable to be imprisoned, unless

he fails to find security that he will not leave the jurisdiction of the Court about to try the appeal; but the Judge, if applied to by the appellant, shall require the respondent to find security as prescribed in the preceding Section, for the performance of the decree which may be passed upon the appeal.

If neither Party finds the required Security, measures may be taken to ensure the eventual execution of the final Decree.

Clause 2*nd.*—If neither party furnishes the required security for the performance of the conditions of the final decree, the Judge shall, on the requisite application being made, cause the decree to be enforced, provided, however, that the debtor shall not be liable to imprisonment; and further, that any sum of money levied, and any valuable property adjudged and seized, shall, if it be neither bulky nor perishable, be lodged in the Court to abide the issue of the appeal, and that if the decree be for immoveable property, or for other property requiring attention and care to ensure its preservation, the Judge shall appoint a person to receive and manage it in trust, pending the appeal under the rules contained in Section VIII. Clauses 6th, 7th, and 8th.

The combined wishes of the Parties being, as far as possible, attended to.

Clause 3*rd.*—It is to be clearly understood, that if both parties should request the Judge in writing to adopt any particular measure in regard to the execution of the decree, while the suit is under appeal, their wishes shall be attended to, unless strong and substantial objections should exist thereto.

CHAPTER XVIII.

OF PROCEDURE AND TRIAL IN APPEAL.

Petitions of Appeal, how dated, and numbered.

Signed.

SECTION LXXXIII.—*Clause* 1*st.*—Whenever a petition of appeal is received by the Court to which the appeal is made, it shall be dated and numbered by endorsement in the order in which it is received, and such endorsement, if the appeal is to the Suddur Dewannee Adawlut, shall be signed by the Register or Assistant Register, and if to the Zilla Judge, by the Judge.

And registered.

Clause 2*nd.*—The petition of appeal, after being so marked, shall be registered in a book to be kept according to the form contained in Appendix R.

Summons to the Parties to appear.

SECTION LXXXIV.—When the proceedings held in the Lower Court have been received by the Court to which the appeal is made, a summons according to the form contained in Appendix S. shall issue from the latter Court directed to the parties requiring them to appear, either personally or by attorney, on a day to be specified, and not to be less than thirty (30) days from the date of the summons, if the appeal is to the Suddur Adawlut, nor less than fifteen (15) days if it is to a Zilla Judge, except by consent of both parties.

The Appellant may file a separate Petition of Appeal.

SECTION LXXXV.—The appellant, on appearing upon the day appointed, shall be permitted, either immediately, or on such day as the Court may fix, to file, if he wishes it, a separate petition of appeal, which shall recite the judgment of the lower Court, state whether it has been executed, and, if so, to what extent, and offer specific objections to the judgment, with the reasons for the appeal, and all matters elucidatory of his case.

Further Proceedings with certain exceptions to be the same as in Original Suits.

SECTION LXXXVI.—All further pleadings, and all the proceedings and acts of the Court, from the filing of the petition of appeal until the decree is passed, shall, with the exceptions hereinafter specified, be conducted according to the rules prescribed for the trial of original suits.

The Appellant may withdraw his Appeal.

Consequences thereof.

SECTION LXXXVII.—It shall be competent to the appellant at any stage of an appeal to withdraw such appeal, by making application for that purpose, in which case he shall be liable to the costs of both parties, and be subject to the provisions contained in Section XVIII. of this Regulation.

Summonses and Processes of the Suddur Dewannee Adaw-

SECTION LXXXVIII.—*Clause* 1*st.*—All summonses or other process of the Suddur Dewannee Adawlut shall, unless the person on whom it is to be served or

But to be served through the Judge.

executed is present in Court personally or by vakeel, be served or executed through the medium of the Judge of the Zilla where the suit was originally tried, or where such person may be or reside.

By a Precept to him directed.

Clause 2*nd.*—In such cases a precept, under the seal of Court, and signed by the Register, shall be directed to the Zilla Judge, enjoining him to serve or execute the process, within the time and in the manner therein specified, and to return the same without delay.

On receipt of which he shall issue the requisite Orders.
And make a fitting Return.

Clause 3*rd.*—The process shall be served or executed by the Nazir of the Zilla Court, and be endorsed and returned to the Judge, as in the case of similar process originating in the Zilla Court, and when so returned, it shall be transmitted by the Judge to the Suddur Dewannee Adawlut, together with the precept, on which he shall certify by endorsement that the process has been served or executed, or state the reason why the terms of the precept have not been fulfilled.

Issuing a Proclamation if requisite for the due execution of the Process.

Clause 4*th.*—But if a process is directed to either of the parties, and such process, from his not being found, or other cause, cannot be personally served, the Judge of the Zilla shall, of his own authority, issue a notice, which with a copy of the process, shall be published in the manner directed in Section VI. of this Regulation, Clauses 1st, 2nd, and 3rd, intimating that if the party does not comply therewith within the time limited, the appeal will be proceeded on *ex parte*.

If either Party appears, the Appeal to be tried.
Otherwise, to be struck off.
And not replaced except under certain circumstances.

SECTION LXXXIX.—If either of the parties appear at the time fixed for trial, the hearing of the appeal shall proceed, and judgment be given, as if both parties were present; but if neither of the parties appear, the suit shall be struck off the file, and shall not be replaced, except upon the application of the appellant in writing within ten days, and his assigning just and reasonable cause to the Court's satisfaction for the default which was made by him.

No new Evidence competent in Appeal.

SECTION XC.—*Clause* 1*st.*—It shall not be competent to the parties in an appeal to produce additional evidence, whether of exhibits or witnesses.

Unless for good cause.

Clause 2*nd.*—But if it appears that competent evidence was refused to be admitted by the Lower Court, or if the Court requires itself the production of exhibits or evidence, as necessary to enable it to pronounce a satisfactory judgment, or if any other substantial cause demands a deviation from the ordinary rule, the Court may allow additional exhibits to be received, and the same or other witnesses to be examined, provided that, whenever this power is exercised, the reasons for exercising it are entered on the minutes of proceedings.

Additional Evidence may be taken.

SECTION XCI.—Whenever additional evidence is permitted to be received, it shall be competent to the Court to proceed in any of the following modes.

By remanding the Suit to the Court from whence it was received with proper Instructions.

First.—By remanding the suit to the Court where it was originally tried, with directions to take additional evidence of documents or witnesses, either as to the whole or particular parts of the matter at issue, and to pronounce judgment anew on the matter so remanded, in which case the Lower Court shall obtain the evidence, and pass such decree as justice may require, and the decree so passed shall be open to appeal as in ordinary cases.

By referring points for Investigation.

Second.—By referring points for investigation to the Lower Court, and suspending a decision until the return of the Lower Court shall be received.

By the Appeal Court taking the Evidence.

Third.—By taking the evidence before the Court trying the appeal, in conformity with the rules contained in Chapter IX. of this Regulation.

By transmitting written Questions to the Inferior Court.

Fourth.—By preparing written interrogatories, and transmitting them to the Lower Court, with instructions to obtain the answers of the witnesses thereto, and to return them to the Superior Court in conformity with the rules contained in Sections XLII. XLIII. and XLIV.

And in the Suddur Dewannee Adawlut by

Fifth.—And if the appeal is to the Suddur Dewannee Adawlut, by authorizing the

Register to act as Commissioner for taking the evidence in writing under such instructions as he may receive from the Court, and after notice given to the parties to attend.

the Register taking the Examination.

SECTION XCII.—In all cases, when additional evidence is permitted to be taken, the Court shall define the point or points to which the evidence is to be confined, and record the same in the minutes of proceedings.

The Points for inquiry shall be carefully defined and recorded.

SECTION XCIII.—*Clause* 1*st.*—If at any time pending an appeal, the security taken from either party appears inadequate, whether from the increase or improvement of the property forming the subject of appeal, or from the insufficiency of the sureties, the Court, before which the appeal is pending may, on the application of the other party, require further security.

Security appearing inadequate may be required to be increased by the Appeal Court.

Clause 2*nd.*—In default of such further security being found, if the original security was furnished by the appellant, the Court may issue an order for enforcing the decree, as if no such original security had been given; but, if the original security was furnished by the respondent, the Court so far as may be practicable, shall compel him to deliver up the property forming the subject of appeal, which shall be disposed of in conformity with such of the rules contained in Section LXXXII. of this Regulation as may be applicable to the particular case.

And, if additional Security is not furnished, similar measures shall be taken as if no Security had been furnished.

Clause 3*rd.*—And whenever additional security is required pending the appeal, and is not found, the appeal may be heard as soon after the pleadings are completed as circumstances will permit, without regard to the order in which it stands upon the file.

The Appeal being heard as soon as possible.

CHAPTER XIX.

OF THE DECREE IN APPEAL.

SECTION XCIV.—*Clause* 1*st.*—The decree shall specify the number of the appeal and the names of the parties, and shall recite the judgment of the Lower Court, or such part thereof as is appealed against, with the grounds of appeal; in all other respects it shall conform as nearly as possible to the rules contained in Section LX. of this Regulation, Clauses 2nd, 3rd, 4th and 5th.

Form and Substance of the Decree in appeal.

Clause 2*nd.*—If the decree of the Court below should have disposed of the suit, either wholly or in part, without investigating the merits upon the ground of the jurisdiction not having been proved, the period of limitation having been exceeded, or preliminary objection, and such decree should be reserved by the decree in appeal, the superior Court shall apprize the parties that the suit will be remitted for hearing to the Court below, and shall cause the papers in the suit, together with a copy of the decree in appeal, to be transmitted to such Lower Court, with directions to proceed in the investigation of the merits of the suit, and pass a decree therein according to the Regulations.

If it occasions the Suit to be returned for trial anew.

Notice to be given to the Parties.

Clause 3*rd.*—The suit shall occupy the number under which it was originally filed, and all advantages depending upon the period of its institution shall, as far as possible, be secured to the parties concerned.

And the Suit shall as far as possible hold its original situation.

SECTION XCV.—*Clause* 1*st.*—The decree of the Suddur Dewannee Adawlut shall be in English, but shall have annexed or subjoined a translation in the language of the Zilla in which the suit was originally tried.

Suddur Dewannee Adawlut's Decree in what Languages to be written.

Clause 2*nd.*—It shall be signed by the Judges who were present when the decree was passed, and be sealed with the seal of the Court.

How signed and sealed.

Clause 3*rd.*—The decree shall be executed under the authority of the Judge of the Zilla in which the suit was originally tried, in the same manner as a decree of his own Court.

And executed.

CHAPTER XX.

OF THE REVISION OF DECREES PASSED IN APPEAL.

Revision of Decrees in Appeal how competent.

SECTION XCVI.—It shall be competent to the Court that has tried an appeal to receive and consider applications for a review of its decree in conformity with the rules contained in Section LXXI. of this Regulation, the application when made to the Suddur Dewannee Adawlut being finally decided upon in all cases by that Court.

CHAPTER XXI.

OF APPLICATIONS TO THE SUDDUR DEWANNEE ADAWLUT IN INCIDENTAL COMPLAINTS.

Rejection of Appeals by the Judge may be appealed against to the Suddur Dewannee Adawlut.

SECTION XCVII.—*Clause* 1*st.*—It shall be competent to the Suddur Dewannee Adawlut, if applied to by the party, to admit a petition of appeal against the Decree, whether of a Zilla Judge, or of any inferior Court, which the Zilla Judge may have rejected, as having been been presented after the limited period, or on any other ground.

The Petition of Appeal how to be accompanied.

Clause 2*nd.*—In such cases the application shall be accompanied by authenticated copies of the decree, of the petition which was rejected, and of the entry in the minutes of proceedings of the Zilla Judge, containing the reasons for its rejection; or by a declaration upon oath, or otherwise as the Court may require, that such copies were applied for and not obtained.

How admitted.

Clause 3*rd.*—If on inquiry it appears that the petition of appeal was rejected upon insufficient ground, or that other circumstances require that it should be admitted, it shall be competent to the Suddur Dewannee Adawlut, if the rejected appeal was to that Court, to admit it and call for the proceedings in the suit, and if it was to the Zilla Judge, to enjoin him to admit it, and proceed as in ordinary cases.

And proceeded in.

The Suddur Dewannee Adawlut competent to receive complaints in other matters against Judges.

SECTION XCVIII.—*Clause* 1*st.*—It shall also be competent to the Suddur Dewannee Adawlut to receive complaints against a Zilla Judge, for refusing to file an original suit, for neglecting to proceed in a suit already filed, or for refusing to receive or neglecting to proceed in an application in any suit or matter that has been decided.

And to issue the requisite Orders.

Clause 2*nd.*—And on proof of the facts alleged, the Suddur Dewannee Adawlut may enjoin the Zilla Judge to receive or proceed in such suit or application as in ordinary cases.

CHAPTER XXII.

OF SPECIAL APPEALS.

Special Appeals from Decrees under what circumstances competent.

SECTION XCIX.—*Clause* 1*st.*—If, in a suit or appeal not ordinarily appealable to the Suddur Dewannee Adawlut, a decree is passed in any Zilla Court, which appears on the face of it to be contrary to or unwarranted by the Regulations which appears to be inconsistent with the general usage of the country, or with the Hindoo or Mohumudan law, in questions depending on such law, or if the decree involves some point of general interest or importance, not before decided by the Suddur Dewannee Adawlut, or if strong probable grounds of grievance exist, from whatever cause,

To the Suddur Dewannee Adawlut and the Zilla Judge.

it shall be competent to the Suddur Dewannee Adawlut, to admit a special appeal in the case; it shall in like manner, and under the same circumstances, be competent to the Zilla Judge to admit special appeals from decrees passed in appeal by the Senior Assistant Judge.

Clause 2*nd.*—In like manner, if in the course of any judicial proceedings an order is passed in the inferior Court, which, by not relating to the merits of the case in general, is not regularly open to correction by means of appealing against the decree, it shall be competent to the Court by which an ordinary appeal in the suit, from which the said order orginated, is cognizable, to admit a special appeal from such order.

Also against Orders.

Clause 3*rd.*—The petiton of appeal shall state the specific ground upon which the appeal is solicited, and shall be presented within the period limited for a regular appeal to the respective authority to whom it is preferred.

The Petition what to contain, when to be presented.

Clause 4*th.*—The petition shall be accompanied by an authenticated copy of the decree or order, or by a declaration upon oath, or otherwise as may be required, that such copy was applied for, and not obtained.

And how accompanied.

Clause 5*th.*—If, on a consideration of the circumstances of the case, the Court admits the appeal, the reasons for admitting it shall be entered on the minutes of proceedings, and such order be transmitted for the guidance of the inferior Court, as the case may require.

Reasons for admitting the Appeal to be recorded.
And the requisite Order issued to the Inferior Court.

Clause 6*th.*—And if on investigation the appeal appears to have been made groundlessly or for vexatious purposes, the Court may fine the appellant, in conformity with the rules contained in Section LIII. of this Regulation.

Appellant when and how punishable by the Suddur Dewannee Adawlut.

CHAPTER XXIII.

OF APPEALS TO THE KING IN COUNCIL.

SECTION C.—*Clause* 1*st.*—If a party is desirous of preferring an appeal to the King in Council, and requires the assistance of the Court for obtaining security from the other party for staying execution of the decree that has been passed, or for any other purpose, he shall present his petition of appeal to the Suddur Dewannee Adawlut within six calendar months from the date of the decree appealed against.

Appellants to the King in Council may at their option present a Petition to the Suddur Dewannee Adawlut.

Clause 2*nd.*—On receipt of the petition the Suddur Dewannee Adawlut shall forthwith cause notice to be given to the other party, that the petitioner has preferred an appeal to the King in Council.

Which Court will give Notice to the other Party.

Clause 3*rd.*—The Suddur Dewannee Adawlut, if applied to, may either order the decree appealed against to be enforced, taking sufficient security for the performance of such order or decree as His Majesty, his heirs or successors, may make on the appeal, or it may direct, on similar security being found, that no order for enforcing the decree shall be issued, pending the appeal, and that, if any such order has been issued, it shall, so far as it has not been executed, be suspended.

And stay Execution of the Decree in proportion to the Security furnished.

Clause 4*th.*—But in either case the Suddur Dewannee Adawlut shall require the appellant to find security for the payment of such costs as it may think likely to be incurred by the appeal.

The Appellant always finding Security for Costs.

Clause 5*th.*—If, pending the appeal, the Suddur Dewannee Adawlut is applied to by either party to take further security, the Court shall conform to the rules contained in Section XCII. of this Regulation, Clauses 1st and 2nd.

Further Security, if required, how taken.

Clause 6*th.*—The Suddur Dewannee Adawlut, on receipt of the petition of appeal, shall cause to be made two exact copies thereof, and of all the proceedings held, and orders or decrees given in the suit, including the whole of the evidence and documents translated into English, if the original documents are not in that language, and shall transmit them under the seal of the Court, and the signature of the Register, to the Governor in Council, for the purpose of being forwarded without delay to His Majesty in Council.

Proceedings in the Suit appealed to be forwarded to Government.

Clause 7*th.*—Either party also, on application, may obtain one or more authenticated copies of any of the papers in the suit, on paying the reasonable expenses incurred in preparing them.

Either Party may, on paying for the same, obtain a Copy of any Paper concerned.

And of any Local Regulations.

Clause 8th.—Either party, in like manner, may obtain an authenticated copy of any local regulation enacted by the Governor in Council which he may require in the appeal.

Decrees of the King in Council how executed.

Clause 9th.—The decrees of the King in Council, when duly certified, shall be enforced under the direction of the Suddur Dewannee Adawlut, by the Judge of the Zilla in which the suit was originally tried, in the same manner as those of his own Court.

His Majesty's pleasure in receiving or rejecting Appeals not intended to be affected by this Regulation.

Clause 10th.—Nothing contained in the preceding clauses of this section is to be understood to bar the full and unqualified exercise of His Majesty's pleasure upon all appeals to him, either in rejecting any he may consider inadmissible, or in receiving any he may judge admissible.

APPENDIX A.

(See Section IV. Clause 2nd.)

General Register of Civil Suits in the Court of the Zilla of Ahmedabad (or as the case may be) *in the year* ———.

No. of the Register.	Subordinate registry, if any.	Date on which filed.	Names of the Parties.	Nature of the Claim.	Amount.
No. 1.		1st Jan.	Herjewan Laldass *versus* Ramjee Petamber.	To recover a piece of land called Poolchat, in the village of Goraw.	Rs. 505 0 00
No. 2.		2nd ,,	Pestonjee Kassoojee *versus* Mahomed Moideen.	Balance of account current.	,, 47 2 75
No. 3.	No. 1 of Dholka.	3rd ,,	Ramchunder Wissonath *versus* Jugunath Krustnajee.	Damages sustained by a breach of engagement to marry his daughter to plaintiff.	,, 801 0 00

APPENDIX B.

(See Section V. Clause 1st.)

Form of Original Summons to Defendant to appear in Court, if the Suit is for Money.

To A. B., inhabitant of ———, and ——— C. D., inhabitant of ———, and E. F., inhabitant of ———, &c.

Whereas ———, inhabitant of ———, has instituted against you in the Court of ——— a suit of Rupees ——— *being the amount of goods furnished to you, (or for damages for an assault or other injury committed by you,* or otherwise, as the case may be) ——— you are, therefore, hereby required to appear, either personally or by an authorized attorney, before ——— in the Court of ——— within ——— days of your receiving this summons, to answer the complaint; in default whereof the said suit will be heard and determined in your absence on such evidence as the plaintiff may adduce.

Dated at ———, this ——— day of ——— 18—.

(Signed) By the Judge,
Senior Assistant Judge,
Junior Assistant Judge,
or
Commissioner
(as the case may require).

If the Suit is for possession of a particular Article.

Whereas ———, inhabitant of ———, has instituted against you in the Court of ——— a suit of Rupees ——— *to recover the possession of a dwelling-house situated at* —— (or *a Jewel deposited with you of the value of Rupees* ——, or otherwise, as the case may be,) you are therefore, &c.

The Nazir's endorsement upon returning the summons into Court to be, as the case may require,

either

Served by the peon ——— upon the defendant A. B. personally, on the ——— day of ——— 18——, and upon the defendant C. D. personally, on the ——— day of ——— 18—.

or,

Not served upon the defendant E. F., who, after diligent search made by the peon ———, charged with the duty, could not be found.

and the following to be added in all cases:—

CHARGES.

Allowance due to the peon ———, being Rupees ———, for ——— days occupied in going to and returning from the town (or village) of———, a distance of ———, at the rate of ——— per day.

(Signed) By the Nazir.

APPENDIX C.

(See Section VI. Clause 1st.)

Form of Order to the Nazir for the publication of Summons where the Defendant cannot be found.

In the Court of———.

——— Plaintiff.

versus

——— Defendant.

To the Nazir of the Court.

Whereas upon the return made on the summons in the above suit it appears that the defendant —— could not found, therefore you are hereby required to cause a copy of the said summons, and of the annexed* notice, to be fixed up in a conspicuous part of the Court, and another copy of the said summons and notice to be delivered to some person belonging to the defendant's family, and residing with him; or, if none such is found, to be fixed upon the outer door of the house, or in some conspicuous part of the village or other place in which he has generally resided.

* See Appendix D

Dated at —— this —— day of —— 18—.

(Signed) By the Judge,
Senior Assistant Judge,
Junior Assistant Judge,
or
Commissioner,
(as the case may require).

The Nazir's endorsement upon returning the above order to be in the following form, viz:—

The within order executed by fixing up a copy of the summons and notice in Court on the —— day of ——, and by delivering another copy to —— the wife *(or as the case may be)* of the defendant, and residing in his house, (*or* by fixing up a copy on the outer door of the house ——, *or* by fixing up a copy in the market, or other conspicuous part of the village or other place in which he has generally resided, as the case may be,) on the —— day of —— 18—.

CHARGES.

Allowance due to the peon ——, being Rupees ——, for —— days occupied in going to and returning from the town (or village) of ——, a distance of ——, at the rate of —— per day.

(Signed) By the Nazir.

APPENDIX D.

(See Section VI. Clause 1st.)

Form of a Notice to a Defendant on whom the Original Summons could not be served.

In the Court of ————.

———— Plaintiff,

versus

———— Defendant.

Whereas ——, inhabitant of ——, has instituted a suit against ——, inhabitant of ——, and a summons, of which the annexed is a copy, was issued, but returned into Court, because the defendant could not be found: This notice is therefore to require the said —— defendant to appear before the Court within fifteen (or more, as the case may require,) days from this date, in default whereof the said suit will be heard and determined in his absence, on such evidence as the plaintiff may adduce.

Dated at —— this —— day of —— 18—.

(Signed) By the Judge,
Senior Assistant Judge,
Junior Assistant Judge,
or
Commissioner,
(as the case may require).

APPENDIX E.

(See Section VII. Clause 3rd.)

Form of Warrant for bringing before the Court a Defendant failing to furnish Security for his Appearance.

In the Court of ————.

———— Plaintiff,

versus

———— Defendant.

To the Nazir of the Court of ————.

Whereas the plaintiff in this suit has made application to the Court to take security for the defendant's appearance, you are therefore hereby commanded to bring the defendant forthwith before the Court, unless he furnish the security of some responsible person or persons, engaging to the extent of —— Rupees for his appearance to fulfil the decree in the said suit, and in default of such appearance to fulfil in his place whatever order or decree may be passed in the suit. Herein fail not.

Dated this ——— day of ——— 18—.

(Signed) By the Judge,
Senior Assistant Judge,
Junior Assistant Judge,
or
Commissioner,
(as the case may require).

APPENDIX. F.

(See Section VII. Clause 3rd.)

Form of Bond to be entered into by the Security for the appearance of a Defendant.

In the Court of ————.

———— Plaintiff,

versus

———— Defendant,

Whereas, upon the application of the plaintiff, the Court has required the defendant to find security for his appearance; and whereas I ———, inhabitant of ———, have voluntarily agreed to become security for his appearance in Court: Therefore I do hereby bind myself, my heirs, and executors, to the Sirkar in the sum of Rupees ——— to pay such sum as may be adjudged against the said defendant, and to perform whatever order or decree may be passed against him in the said suit, provided always, that the said defendant shall not have fulfilled the decree or appeared in Court when required for that purpose; as witness my hand this ——— day of ——— 18—.

(Signed) By the Security.

APPENDIX G.

(See Section VIII. Clause 4th.)

Form of Order for sequestering the Property of a Defendant before Judgment.

In the Court of ————.

———— Plaintiff,

versus

———— Defendant.

To the Nazir of the Court of ————.

Whereas it appears that ——, the defendant in the above suit, intends clandestinely to dispose of or remove from the jurisdiction of this Court the property specified in the annexed list for the purpose of obstructing the execution of the decree, therefore you are hereby commanded to require and take* security from the said defendant in the sum of Rupees ———— to satisfy the judgment of the Court if given against him, and, if such security is not given forthwith (or before the ——— day of ——— as the case may be) then to attach and keep under sequestration the property specified in the annexed list, or a part thereof sufficient to fulfil the judgment, until further order of Court.

* See Appendix H.

[† And you are hereby further commanded, if security is not furnished as aforesaid, to give public notice by reading aloud in the most public part of the town (or village, as the case may be,) of ——— the accompanying ‡ proclamation prohibiting all persons from receiving, by purchase, mortgage, sale, or otherwise, the immoveable property specified in the annexed list, until further order of Court, and you shall further cause copies of the said proclamation to be fixed up on a conspicuous part of the said property, in the Zilla Court, in the Collector's Kuchery, in the public market, or other places as may be deemed necessary.] Herein fail not.

† To be published when it is intended, without sequestrating immoveable property, to prohibit any alienation of it.

‡ See Appendix I.

Dated ——— day of ——— 18—.

(Signed) By the Judge,
Senior Assistant Judge,
or
Junior Assistant Judge,
(as the case may require).

The Nazir's endorsement on returning the order for sequestration into Court to be as the case may require—

either

* See Appendix H. Executed the within order by taking * security by the bond herewith returned;

or,

Executed the within order by attaching the following property, viz.——, the remainder not being found;

or,

† See Appendix I. Executed the within order by attaching the moveable, and making † proclamation regarding the immoveable property, and fixing up copies as directed.

(Signed) By the Nazir.

APPENDIX H.

(See Section VIII. Clause 4th.)

Form of Security Bond to be taken under an Order for Sequestration before Judgment.

In the Court of the Zilla of ————.

———— Plaintiff,

versus

———— Defendant.

Whereas an order has been issued for sequestering the following property of ——, defendant in the above suit, viz:—

And whereas I ———, inhabitant of———, have voluntarily agreed to become security to produce the said property, or a part thereof sufficient to fulfil the judgment when required; therefore I do hereby bind myself, my heirs, and executors, to the Sirkar in the sum of———Rupees to produce and place at the disposal of the Court such property, or the part thereof aforesaid, when required, provided always that the said defendant shall not have fulfilled the decree in the said suit.

As witness my hand this ——— day of ——— 18—.

(Signed) By the Security.

APPENDIX I.

(See Section VIII. Clause 9th.)

Form of Proclamation under an Order for Sequestration before Judgment.

In the Court of the Zilla of ————.

———— Plaintiff,

versus

———— Defendant.

Whereas an order has been issued for prohibiting the disposal of the following property of ———, defendant in the above suit, viz:—

Therefore notice is hereby given, that all persons are prohibited from receiving, by purchase, gift, mortgage, or otherwise, the said property, or any part thereof, until further order of Court, and that no purchase, gift, mortgage, or other transfer, made after this proclamation, will be effectual to alienate the said property, or any part thereof, to the injury of the plaintiff in the above suit.

Dated this ——— day of ——— 18—.

(Signed) By the Judge,
Senior Assistant Judge.
or
Junior Assistant Judge,
(as the case may require).

APPENDIX J.

(See Section XII.)

Form of Bond in Security of Costs to be taken when the Plaintiff resides beyond the Jurisdiction.

In the Court of ————.

———— Plaintiff,

versus

———— Defendant.

Whereas a suit has been instituted in the Court of ———— by ————, plaintiff, residing at ————, in the ———— of ————, against ————, defendant, and whereas it is required that the said ————, as residing without the zilla, should find security to pay the costs and obey all orders and decrees in the suit adjudged and passed, whether in the Court of ———— or in the Suddur Dewannee Adawlut; therefore I, ———— inhabitant of ————, have voluntarily become security, and do hereby bind myself, my heirs and executors, &c. to the Sirkar that the said ————, his heirs and executors, shall pay all costs incurred and obey all such orders and decrees as may be given in the said suit agaist the said ————, whether in the Court of ———— or in the Suddur Dewannee Adawlut, and in default of his so doing, I bind myself, my heirs and executors, to pay all such sums as may be adjudged against him. Witness my hand at ————, this ———— day of ———— 18—.

(Signed) By the Security.

APPENDIX K.

(See Section XXXII. Clause 2nd.)

Form of Summons for citing a Witness.

In the Court of ————.

———— Plaintiff,

versus

———— Defendant.

To A. B., inhabitant of ————, and C. D., inhabitant of ————, &c. &c. &c.

You are hereby commanded to appear at the said Court on (Monday) the ———— day of ———— next, at ———— o'clock in the forenoon, to give evidence in the above suit [*you are further desired to bring with you the, &c.] Dated at ———— this ———— day of ———— 18—.

(Signed) By the Judge,
Senior Assistant Judge,
Junior Assistant Judge,
or
Commissioner.

* This to be added when the Witness is to be informed that the Suit will receive elucidation from the production of a Book or other article in his possession.

The endorsement on returning the original summons into Court to be, as the case may require,

either

Served by the peon ————, upon the witness A. B., on the ———— day of ———— 18—.

or,

Not served upon the witness C. D., who after diligent search by the peon ————, charged with the duty, could not be found;

and the following to be added in all cases:—

CHARGES.

Allowance due to the peon————, being Rupees ————, for days occupied in going

to and returning from the town (or village, &c.) of ———, a distance of ———, at the rate of ——— per day.

(Signed) By the Nazir.

APPENDIX L.

(See Section XXXII. Clause 5th.)

Form of Warrant for bringing before the Court a Witness who has neglected to appear.

In the Court of ———.
——— Plaintiff,
versus
——— Defendant.

To the Nazir of the Court of ———.

Whereas ——, witness in the above cause, although duly summoned, has failed to appear; therefore you are hereby commanded to bring him forthwith before the Court. Herein fail not.

Dated at ———, this ——— day of ——— 18—.

(Signed) By the Judge,
Senior Assistant Judge,
Junior Assistant Judge,
or
Commissioner,
(as the case may require.)

APPENDIX M.

(See Section XLVI. Clause 1st.)

Form of Proclamation calling upon all Persons having claims as Heirs to appear in a Suit.

PROCLAMATION.

In the Court of ——— ———.
——— Plaintiff,
versus
——— Defendant.

Whereas the said ———, plaintiff, has brought a suit against the said ——, defendant, to recover possession of a sum of Rupees —— (*or* of a dwelling house in ——, *or* as the case may be) due to (or the property of) ——, deceased. This is to give notice to all persons having, or claiming to have, a title to the said sum of money (*or* dwelling house) as heirs of the said —— to appear in the said Court within ——— days from the date of this proclamation, there to enter and prosecute their claim.

Dated at ———, this ——— day of ——— 18—.

(Signed) By the Judge,
Senior Assistant Judge,
Junior Assistant Judge,
or
Commissioner,
(as the case may require).

APPENDIX N.

(See Section LXVI. Clause 2nd.)

Form of Proclamation intimating a Sale of Property.

Sale of Property at ———.
In the Court of ———.
——— Plaintiff,
versus
——— Defendant.

Whereas the said ———, on the ——— day of ——— 18—, obtained a decree against the said ——— for the sum of ———, whereof —— still remains due, and whereas the following property of the said ——— has been attached for the said debt, viz.

This is to give notice that the said property so attached will be sold by public auction on the —— day of ——, at the hour of —— in the forenoon, at the dwelling-house of the said —— (*or* at the market place of ——, *or* on the lands of ——, &c. as the case may be), unless such sale shall be objected to, either wholly or in part, by another claimant to the property, who either shall have satisfied the creditor or the Nazir (or other officer superintending the sale) of his right to the things so claimed, or who shall produce a certificate that he has filed a suit in support of his claim, or engage, under such penalty as may be imposed, to file such suit within thirty (30) days after the day advertised for the sale.

Dated at ——— this, ——— day of ——— 18—.

(Signed) By the Nazir.

APPENDIX O.

(See Section LXXV.)

Form of Bond to be entered into by the Security of an Appellant.

In the Court of ———.
——— Plaintiff,
versus
——— Defendant.

Whereas a decree was passed in the above suit on the ——— day of ———, against which the said ——— is desirous of appealing to the Court of ———, therefore I, as security for the said ———, do hereby bind myself, my heirs and executors, to the Sirkar, that the said —— shall pay all such costs as may be awarded against him to the said appeal, and in default of his so doing, I bind myself, my heirs and executors, to pay the said costs; as witness my hand this ——— day of ———18—.

(Signed) By the Security.

APPENDIX P.

(See Section LXXX.)

Form of Notice to be given to the Parties when an Appeal is admitted.

In the Court of ———.
——— Plaintiff,
versus
——— Defendant.

Whereas a decree was passed in the above suit by the Judge (*Senior Assistant Judge, Junior Assistant Judge,* or *Commissioner*, as the case may be,) of ———, on the ——— day of ———, against which the said ——— has (or *you have*, as the case may be,) applied for permission to appeal.

Take notice, therefore, that the appeal applied for has been admitted, and will be tried by the Suddur Dewannee Adawlut (or *this Court*, as the case may be.)

Dated this ——— day of ——— 18—.

(Signed) By the Judge,
or
Senior Assistant Judge.

APPENDIX Q.

(See Section LXXXI. Clause 2nd.)

Form of Bond to be taken when Execution is stayed in an Appeal.

In the Court of ————.

———— Plaintiff,

versus

———— Defendant.

Whereas a decree was passed in the Court on the ———— day of ————, adjudging the said, ———— to pay the sum of ———— to the said ———— (or *to transfer to the said* ———— *a house situated at* ————, or ———— *begas of land situated at* ————, or *to perform certain acts*, &c. &c. as the case may be), against which decree the said ———— has appealed; and whereas it has been ordered by the said Court, that the execution of the said decree should be stayed, if the said ————, the appellant, (or *enforced if the said* ————, *the respondent*, as the case may be,) find security in the sum of———— for the performance of the decree that may be passed upon appeal; therefore I, ————, inhabitant of ————, have voluntarily become security, and do hereby bind myself, my heirs and executors, to the Sirkar, that the said ————, his heirs and executors, shall obey and fulfil all such orders and decrees as may be given againt the said ———— in such appeal, and in default of his so doing, I bind myself, my heirs and executors, to pay all such sums as the Court may adjudge against him to the extent of ———— as aforesaid.

Witness my hand at ————, this ———— day of ———— 18—.

APPENDIX R.

(See Section LXXXIII. Clause 2nd.)

General Register of Appeal filed in the Court of Suddur Dewannee Adawlut (or *in the Court of the Zilla of* ————, as the case may be,) *in the year* ——.

	No. of the Register.	Original Registry.	Date on which filed.	Names of parties.	Subject of the appeal.	Amount.	Date and abstract of decree in appeal.
Suddur Adawlut.	No. 1.	No. 9 of 18— of Broach.	1st Mar.	Juggevan Moody, Appellant, *versus* Hirjee Cawajee, Respondent.	Against a decree adjudging 100 begas of land to the respondent.	Rs. 1000	25th June. Judgment for appellant.
Zilla Court.	No. 1.	No. 157 of 18—.	25th Jan.	Laldass Petamber, Appellant, *versus* Purbhoodas Dyram, Respondent.	Against a decree adjudging payment of a bond.	Rs. 6000	3rd March. Judgment for appellant.

APPENDIX S.

(See Section LXXXIV.)

Form of Summons to Parties to appear in Appeal

In the Court of ————.

———— Appellant,

versus

———— Respondent.

To ———— Appellant; *or*,

———— Respondent.

(as the case may be.)

Whereas a decree was passed on the —— day of ———— in the Court of ————, against which decree the said —— has (or *you have*, as the case may be) appealed, to the Court of ————, you are therefore hereby required to appear, personally or by vakeel, on the —— day of —— to prosecute (or *defend*, as the case may be,) the said appeal; in default whereof, the said appeal will be heard and determined in your absence.

Dated at ————, this ———— day of —— 18—.

(Signed) By the Register, *or*
Assistant Register,
if in the Suddur Dewannee Adawlut; *and*
By the Judge, *or*
Senior Assistant Judge,
if in the Zilla Court.

(Branch of Civil Judicature.)

REGULATION V. A. D. 1827.

A REGULATION defining the Limitations as to Time, within which Civil Actions may be prosecuted, and containing Rules of Judication respecting written acknowledgments of Debts executed without receipt of a full consideration; also regarding Interest, the tendering payment of Debts, and the disposal of Property mortgaged or pledged.—PASSED by the Governor in Council, on the 1st January 1827, corresponding with the 4th Poush Sood Sumbut, or Vikramajeet Era 1883, Salbahan 1748, and 2nd Jummadyool Akhir 1242 of the Hijree.

Consisting of five (5) Chapters, as below:—

Number of Chapter.	Title.	Commencing Section.
I.	Of limitations of Time for prosecuting Civil Actions	I.
II.	Of acknowledgments of Debts executed without receipt of a full consideration in value	IX.
III.	Of the Rate of Interest and the period during which it may continue	X.
IV.	How a claim to Interest is affected by tender of Payment	XIV.
V.	Of the disposal of Property mortgaged or pledged	XV.

108520

(Branch of Civil Judicature.)

REGULATION V. A. D. 1827.

A REGULATION defining the Limitations, as to Time, within which Civil Actions may be prosecuted, and containing Rules of Judication respecting written acknowledgments of Debts executed without receipt of a full consideration; also regarding Interest, the tendering payment of Debts, and the disposal of Property mortgaged or pledged.—PASSED by the Governor in Council on the 1st January 1827, corresponding with the 4th Poush Sood Sunbut, or Vikramajeet Era 1883, Salbahan 1748, and 2nd Jummadyool Akhir 1242, of the Hijree.

Preamble.

WHEREAS it is conducive to the public security and the quieting of disputes, that limitations should be prescribed to the period within which civil suits may be instituted, and whereas justice, the interests of trade, and the easy and secure transaction of money dealings require, that the effect of written acknowledgments of debts, when the receipt of a full consideration is contested, should be defined and made known, and that certain provisions should be framed for the calculation of the interest of money, and for limiting the amount thereof, and for determining the effects of tenders of payment and the rights of parties concerned in property mortgaged or pledged; the following rules have therefore been enacted, to have effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose.

CHAPTER I.

OF LIMITATIONS OF TIME FOR PROSECUTING CIVIL ACTIONS.

Possession of Land, &c. for more than Thirty Years a good Title,

SECTION I.—*Clause* 1*st*.—Whenever lands, houses, hereditary offices, or other immoveable property, have been held without interruption for a longer period than thirty years, whether by any person as proprietor, or by him and his heirs, or others deriving right from him, such possession shall be received as proof of a sufficient right of property in the same.

Unless such possession was acquired by fraudulent means,

When it may be disturbed within Sixty Years.

Clause 2*nd*.—But it shall be a sufficient answer to the plea of the possession for more than thirty years, that the person in possession, as proprietor, or any of the persons by whom he derives his right, acquired such possession by fraudulent means, on proof whereof a suit may be entertained at any period within sixty years.

Except possession without fraud has extended to Thirty Years.

Clause 3*rd*.—Provided that, if such property has been held for more than thirty years, by a person or persons *bonâ fide* believing his or their title as proprietors to be good, such title shall not be affected by the fraud of a former possessor.

When the Person who committed the Fraud is liable for Damages within Sixty Years.

Clause 4*th*.—Nothing contained in this Section shall bar an action of damages brought within sixty years, against any of the persons by whom the fraud was committed.

Direct insult and injuries to the Person actionable only within Twelve Months.

SECTION II.—*Clause* 1*st*.—In all suits for damages on account of assaults, imprisonment, or other direct insult or injury to the person, it shall be a sufficient defence that the cause of action arose more than twelve months before the suit was filed.

Also calumny and abuse.

Clause 2*nd*.—And in all suits for damages on account of calumny or slanderous words, it shall be a sufficient defence that the plaintiff had been in the knowledge of the calumny or slanderous words more than twelve months before the suit was filed.

Also exclusion from Caste.

Clause 3*rd.*—In all suits for recovering the right of participation in caste communications and privileges, it shall be a sufficient defence that the plaintiff had been acquainted with his exclusion from the caste more than twelve months before the suit was filed.

Suits for Debt not supported by a writing, and all suits for Damages not previously specified, competent only within Six Years.

SECTION III.—*Clause* 1*st.*—In all civil suits for debts not founded upon, or supported by an acknowledgment in writing, and in all suits for damages other than those specified in the preceding Section, it shall be a sufficient defence that the cause of action arose more than six years before the suit was filed.

How reckoned in running Accounts.

Clause 2*nd.*—But in the case of running accounts, the time shall be reckoned from the date of the last transaction.

All Suits not previously specified competent within Twelve Years.

SECTION IV.—In all suits not falling under any of the limitations in the preceding sections of this chapter, it shall be a sufficient defence that the cause of action arose more than twelve years before the suit was filed.

Special exception in the case of Actions against the Thakoor of Bhownuggur, for immoveable Property.

SECTION V.—*Clause* 1*st.*—But in all cases in which actions may be brought against the Thakoor of Bhownuggur for lands or other immoveable property, as specified in Section I. Clause 1st, it shall be a sufficient answer that he acquired such previously to the 31st December 1802, and has since held possession of the same under a title conferring a *bonâ fide* right of property.

And on any other ground.

Clause 2*nd.*—No other demand whatever against the Thakoor of Bhownuggur, which is of a date prior to the 20th July 1815, is cognizable in the Courts of Justice, even though the case should be a running account, and transactions should have occurred in the same subsequently to the above specified date.

With which exception Suits are competent against him.

Clause 3*rd.*—Subsequent to the date specified in the two preceding clauses, all actions against the Thakoor of Bhownuggur shall be subject to the usual limitations.

Special mode of calculating periods of limitations in the cases of creditors of ryots of the old Broach Zilla.

SECTION VI.—And whereas, from certain circumstances, the creditors of ryots in the old Broach Zilla did not enjoy the same facility as others in obtaining a hearing of their cases until 7th April 1824, the period of time which has elapsed since the institution of the Broach Adawlut to the said 7th April 1824 shall be rejected in calculating the periods of limitation as prescribed in Sections III. and IV. within which those suits in the cases of those individuals may be heard and determined.

Mode in which periods of limitations are to be reckoned,

If the justice of the Demand was admitted.

SECTION VII.—*Clause* 1*st.*—If, however, a defence be rested on any limitation of time heretofore specified in this chapter, and the claimant proves that the defendant or person from whom he derives right had admitted the justice of the demand, then the time of limitation shall be reckoned from the date of such admission, provided that, if the demand be founded on a written acknowledgment of any sort, the admission, if it shall have been made subsequently to the date which shall be fixed for the commencement of the operation of this Regulation, must also be in writing.

Or, if investigation had been commenced, and the absence of a decision is satisfactorily explained.

Clause 2*nd.*—Also, if the claimant have within the time of limitation preferred his claim to any authority (arbitration included) competent to try it, and satisfactory reason be shown why a decision was not passed (such reason no wise affecting the justice of the demand), then the period of limitation shall be reckoned from the date of the last proceeding known to the defendant in such case.

Or if the Plaintiff was a Minior or Insane.

When Six Years shall be allowed at all events from his minority or recovery, or from his Death.

Clause 3*rd.*—And in cases of the minority or continued insanity of the claimant, no limitation shall bar the recovery of a claim sued for within six years of the minor attaining the age of eighteen years, or the insane person recovering the use of reason; and if a claimant die during such minority or instantly, the said period of six years from his death shall be applied to suits entered by his heirs or executors.

Except in certain Suits for Damages, for which One Year only is allowed.

Clause 4*th.*—Except in actions for damages as described in Section II. of this Regulation, in which cases a period of only one year shall be allowed instead of the period of six years recited in the preceding clause.

Mortgaged property always recoverable

SECTION VIII.—*Clause* 1*st.*—If a person claim to recover property held in mort-

gage, pledge, pawn, or deposit, or by other title conferring only a right of possession, and not a right of ownership, in such case no length of time shall prevent the Court's entertaining the suit.

Clause 2nd.—But should such property have been held, if immoveable, for more than thirty years by a *bonâ fide* possessor as proprietor, or, if moveable, for any time by a person possessing *bonâ fide* as proprietor, under a right founded on an equitable consideration, such possessor shall not be disturbed, though an action of damages may be entertained against the person by whom it was illegally alienated.

Unless held in *bonâ fide* ownership for more than Thirty Years, if immoveable property, or any period if moveable.

When the first alienator may be sued.

CHAPTER II.

OF ACKNOWLEDGMENT OF DEBTS EXECUTED WITHOUT RECEIPT OF A FULL CONSIDERATION IN VALUE.

SECTION IX.—*Clause 1st.*—Written acknowledgments of debt in any shape shall not be held conclusive in a Court of Law, as to the amount, if the defendant show that a full consideration has not been received.

Writings in cases of Debt not full proof of the Amount if contrary Proof is advanced.

Clause 2nd.—And in the case of a cultivator of the soil, sued upon a written acknowledgment executed at a place which was not at the time of such execution under British jurisdiction, if the circumstances are such as to convince the Court that the creditor might reasonably be expected to possess other proof of the amount besides such written acknowledgment (the consideration received for the same being contested), then the said writing shall not be held conclusive as to the amount, whether the defendant prove a deficiency in the consideration or not, but the Court shall pass a decree for only such amount as the claimant may otherwise prove to be due.

And in certain Cases if merely contested by the Defendant.

CHAPTER III.

OF THE RATE OF INTEREST, AND THE PERIOD DURING WHICH IT MAY CONTINUE.

SECTION X.—*Clause 1st.*—Whenever in any transaction a certain rate of interest has been agreed upon, or is demandable by the usage of trade, or the custom of the country, such rate of interest shall be lawful and binding upon the parties.

Lawful Interest to be such as is agreed upon or is usual.

Clause 2nd.—Whenever in any transaction, on which interest is due, no certain rate has been agreed upon, or is demandable by the usage of trade or the custom of the country, three quaters per-centum per each month of thirty days shall be the judicial interest or rate allowed in Courts of Civil Judicature.

Or, if such cannot be ascertained, then 9 per cent. per annum.

SECTION XI.—In all transactions on which interest is due, whenever the debt or account is of more than one year's standing, compound interest shall be allowed, where there is no special agreement or usage to the contrary, and in such case the balance, including simple interest due at the Dewalee or other customary period of settlement in each year, shall be carried forward to the next year's account as a principal sum bearing interest.

Compound Interest allowed after one year if the contrary is not agreed upon.

SECTION XII.—Whenever, for the space of six years complete, no transaction has taken place in regard to a debt or account, whether by payment of money or delivery of goods made on either side, or by the debtor signing an account made up with interest, or making written acknowledgment that interest is to continue, all further interest shall cease; and it is hereby explained, that this Regulation is not meant to interfere with the rule of Hindoo law, which limits the interest of money to the amount of the principal, and which shall accordingly be maintained by the Courts in all applicable cases.

But to cease after an interval of Six Years.

The Hindoo Law on the Interest of Money being also maintained.

SECTION XIII.—*Clause 1st.*—Whereas by Sections VI. and VII. of Regulation 1st, A. D. 1814, passed on the 12th January of that year, for determining "the rate of interest on money in the provinces subject to the Presidency of Bombay," which

Specification of prior Enactments on the subject of Interest.

Regulation has subsequently from time to time been extended to certain of the territories more recently acquired, it was provided, " that bonds or instruments which may appear to have been given after the expiration of twelve months, subsequently to the issue of this Regulation, for the security and evidence of debts, and bearing a higher rate of interest than twelve per-centum per annum shall, not be recoverable in the Courts of Adawlut, and that where suits may be prosecuted on bonds or instruments given prior to the issue of this Regulation, the Court of Adawlut shall not decree the adjustment of such debts at a higher rate of interest than 12 per-centum per annum."

And application of them to Territories subsequently acquired.

Clause 2*nd*.—And whereas principles of equity and the spirit of the Regulations require that the penal effects of the provisions above recited should not commence, with regard to the territories more recently acquired, until the expiration of twelve months subsequently to the passing of the Regulations extending the said provisions to each portion of territory, respectively.

Provision resulting from such Specification and Application.

Clause 3*rd*.—Therefore, it is hereby declared, that whenever a suit is instituted for the recovery of a debt due on a bond or other instrument executed prior to the 12th of January 1815, in the territories specified in Appendix A, or in the territories enumerated in Appendix B, prior to the dates therein specified as applicable to each portion of the said territories, respectively, the Court shall not decree interest on such debt at a higher rate than 12 per-centum per annum, and that no debt due on a bond or other instrument executed in the said territories, on or after the said dates, respectively, and prior to the date which shall be fixed for the commencement of the operation of this Regulation, shall be recoverable in any Court, if it bear a higher rate of interest than 12 per-centum per annum.

CHAPTER IV.

HOW A CLAIM TO INTEREST IS AFFECTED BY TENDER OF PAYMENT.

Interest ends upon a Tender made.

SECTION XIV.—If a debtor can prove that he has tendered to a creditor the whole or any portion of the amount due, all further interest shall cease on the amount tendered.

CHAPTER V.

OF THE DISPOSAL OF PROPERTY MORTGAGED OR PLEDGED.

Mortgaged Property, if not otherwise agreed, is sole Security for the Debt, Principal and Interest.

SECTION XV.—*Clause* 1*st*.—When a creditor is placed in possession of property by mortgage, or otherwise, as security for a debt, his claim over such property shall, in the absence of other special agreement, constitute his sole security for payment of the debt, or such part of it as the said property may have been given in security for, and interest thereon is to be considered as included in the said security.

Any Profit from such Property in such cases to be reckoned in lieu of Interest.

Clause 2*nd*.—If the property yield profit, and no stipulation has been made respecting the disposal of the said profit, or payment of interest on the debt, the profit shall be considered as equivalent for the interest.

Either Party, unless otherwise agreed, may cause the Debt to be defrayed from the Property.

Clause 3*rd*.—In the absence of any special agreement, or recognized law or usage to the contrary, either party may, at any time, by the institution of a civil suit, cause the property to be applied to the liquidation of the debt; the surplus, if any, being restored to the owner.

APPENDIX A.

Territories within which bonds or other instruments bearing a higher rate of interest than 12 *per cent. per annum, if executed prior to the* 12*th January* 1815, *can recover in the Courts interest at the rate only of* 12 *per cent. per annum, and if executed on, or after the above mentioned date, and prior to the date which may be fixed for the commencement of the operation of Regulation* V. A. D. 1827, *are not recoverable in any Court.*

SURAT ZILLA.

Territory.

The city and port of Surat, and town of Randier and their dependencies.

The purgunnas of Chourasee, Chiklee, Bulsar, Parneira, Bhootsur, Parchol, Soopa, Surbhan, Walor, and Boharee.

The kusba of Bardolee, and the villages of Kutturgaum, Koomarea, and Phoolpara.

BROACH ZILLA.

The town and purgunna of Broach, and the purgunnas of Hansot and Oklasur.

EASTERN ZILLA NORTH OF THE MYHEE.

The enam town of Kaira and its dependencies, the tuppa of Naupar and the purgunnas of Neriad, Mahtur, Moondha, and Dholka to the east of the Saburmutty river.

WESTERN ZILLA NORTH OF THE MYHEE.

The purgunnas of Dundooka, Gogo, Ranpoor, and Dholka to the west of the Saburmutty river.

ZILLA OF THE NORTHERN KONKAN.

The islands of Salsette and Carranjah, and their dependencies.

ZILLA OF THE SOUTHERN KONKAN.

Fort Victoria and its nine (9) dependent villages; the fort and island of Sinboordroog in Malwan, the forts of Pudunghur, Rajkot, and Serjeekot, with their dependent villages and lands, and the fort and valley of Vingorla.

APPENDIX B.

Table showing the Territories rendered subject to the Regulations at various periods, subsequent to the passing of Regulation I. A. D. 1814, *the Regulation, or other authority causing such application of the Regulations, and the date, being one year after the date of such authority, from which in each case the provisions of Section* VI. *and* VII. *Regulation* I. A. D. 1814 *became of force, in the same way as from the* 12*th January* 1815, *in respect to the Territories specified in Appendix A.*

SURAT ZILLA.

Regulation or other Authority.	Territory.	Date when Reg. I. of 1814 commenced operation.
Regulation I. of 1817.	The purgunna of Currode.	23rd April. 1818.
Regulation III. of 1819.	The purgunnas of Bugwara and Turkeysir. The kusba of Mota, in Surat Attaveesy. The village of Mugdula, with some adjoining lands of the village of Peeplod. The purgunna of Oolpar.	14th April 1820.

BROACH ZILLA.

Regulation VI. of 1817.	The purgunnas of Jumbooseer, Ahmod, and Dejbara.	27th August 1818.

EASTERN ZILLA NORTH OF THE MYHEE.

Regulation or other Authority.	Territory.	Date when Reg. I. of 1814 commenced operation.
Regulation I. of 1817.	The purgunna of Kupurwunj. The tuppa of Bhalej. The four (4) villages of Sundana, Antroly, Wasna, and Kurnej.	23rd April 1818.
Regulation III. of 1819.	The purgunnas of Mahmoodabad, Alena (except the two villages of Nicol and Sanoda), Antroly, Tasra, and Duskuroee, to the east of the Kharee river. The Paishwa's share of the Pitlaud purgunna. The town of Oomrut.	14th April 1820.

WESTERN ZILLA, NORTH OF THE MYHEE.

Regulation III. of 1819.	The city of Ahmedabad. The Duskuroee purgunna to the west of the Kharee river. The purgunnas of Veerumgaum and Purantej. The two (2) villages of Nicol, and Sanoda, in the Alena purgunna. The Paishwa's share of the districts of Byar, Hursol, and Moorasa.	14th April 1820.

ZILLA OF THE NORTHERN KONKAN.

Regulation VI. of 1817.	The districts of Bellapoor, Autgaum, and Kalian, and all the other territories of the Paishwa Bajee Row, extending North of those districts, as far as the Demaun river, and lying between the ghauts and the sea.	27th August 1818.
Regulation III. of 1819.	The territories of the Paishwa Bajee Row extending south of the districts of Bellapoor, Autgaum, and Kalian, as for as the Apta river, and lying between the ghauts and the sea; with the exception of the town of Apta, and the villages of Korulwaree and Sendapoor in the Kurnalla talooka.	14th April 1820.
Treaty with the Colaba State.	So much of the Voorwuleet turuf, north of the Apta, as belonged to the State of Colaba, with the exception of the following ten (10) villages, and twenty-five (25) Khars:— *Villages.* Woolvie, Parengur, Turghur, Koondeywal, Dapolee, Masor, Kopur, Awrey, Pohee, Gowan. *Khars.* Nandaee Neemba, Shemptee, Khar Wasunee, Waltee, Hurrichunderpeemplee, Danwacha-kota, Kaljee Gobur, Chicklee-bhom, Boorey Boozoorg, Motee Khar, Band Khar Ranjun Khar, Khat Khar, Hurischundur-kota, Waltee, Gowendee, Mhalaee, Boree-khoord, Sonkhar, Booree-cha-kota, Bhangaree-boozoorg, Kopur, Rel Khar, Pota-cha-moneh. Pond Kar,	6th June 1825.

ZILLA OF THE NORTHERN KONKAN *(continued)*.

Regulation or other Authority.	Territory.	Date when Reg. I. of 1814 commenced operation.
	So much of the Toongartun Muhal, North of the Apta, as belonged to the state of Colaba, with the exception of the village of Wat. The four (4) villages, Tulowrey, Chandajee, Goorvey, and Nurol, in the Vuredy turuf. The two (2) villages, Dewroog and Khurwar-boozoorg, in the Soonalee turuf. The village Amburjey in the Sherey turuf. The village Ambolee in the Burey turuf. The three (3) villages, Nitaley, Nourey, and Khyruney, in the Tulozeh turuf. The three villages, Kampolee, Dewkur, and Bhanwuj, in the Bortee turuf.	

ZILLA OF THE SOUTHERN KONKAN.

Cession by the Waree State.	The actual possessions of the Waree State in Wurar and Muloondee.	29th Jan. 1815.
Regulation III. of 1829.	The territories of the Paishwa Bajee Row bounded on the north by the Apta river, and on the south by the Karley or Malwan river, and lying between the Ghauts and the sea, with the four (4) following exceptions :— 1st.—The Oonderee talooka, except the village of Khar Dolvie, which village belongs to the Zilla. 2nd.—The three (3) following villages in Chawool, viz. Waolee, Karley, and Komprolee. 3rd.—The five (5) following Warees in Chawool and Thul, viz. Pakaree Rameshwur, Pakaree Bolawee, Ramajee Mahadeo, Veesajee Keshow, and Wursolee. 4th.—The oarts belonging to and situated without the walls of the fort of Rewdunda.	14th Apr. 1820.
Regulation III. of 1820.	The nine (9) following sea coast villages in the turufs of Ajgaum and Paut, viz:— *Of Ajgaum.* Raree, Arowlee, Sewrodee. *Of Paut.* Daboolee, Kanolee, Keyloos, Mahapun, with the adjoining fort of Newtee, Konchuree, Purolen.	17th May 1821.
Treaty with the Colaba State.	So much of the Toongartun turuf situated south of the Apta river, as belonged to the state of Colaba, with the exception of the village of Khuraree-boozoorg. The (2) villages, Wureree and Shetolee, and the four (4) Khars, Sonkhar, Dadur Khar, Khar Dubaba, and Dolvie Khar in the Humrapoor turuf.	6th June 1825.

[Branch of Civil Judicature.]

REGULATION VI, A. D. 1827.

A REGULATION *for admitting persons to sue or defend in suits or Appeals in formâ pauperis*—PASSED *by the Governor in Council on the* 1*st January* 1827, *corresponding with the* 4*th Poush Sood Sumbut or Vikramajet Era* 1883, *Salbahan* 1748, *and* 2*nd Jumadyool Akhir* 1242 *of the Hijree.*

Preamble.

WHEREAS it is necessary that provision should be made to enable certain persons to sue or defend in suits or appeals in formâ pauperis, who from their indigent circumstances would not otherwise have the means of asserting their rights in Courts of Justice, the following rules are, therefore, enacted, to take effect from such date as shall be prescribed in a regulation to be hereafter passed for that purpose.

A person wishing to sue as a pauper to present to the Judge a petition on unstamped paper.

SECTION I.—*Clause* 1*st.*—Whenever a person is desirous of instituting a suit in any Court as a pauper, he may present to the Zilla Judge a petition on unstamped paper, which shall contain the particulars required by Regulation IV, A. D. 1827, Section III. in regard to plaints.

With a written declaration of poverty on unstamped paper.

Clause 2*nd.*—He shall at the same time present a declaration in writing on unstamped paper, that, besides his dwelling place, clothes, tools, and other necessaries of a value not exceeding twenty ~~Rs~~ in the whole, he is not possessed of sufficient property to enable him to pay the probable expences of the suit.

And a schedule of his property.

Clause 3*rd.*—The declaration shall be accompanied by a Schedule of the whole of the property moveable or immoveable belonging to the petitioner, with the estimated value of such property.

And a certificate to support such declaration and schedule.

Clause 4*th.*—It shall further be accompanied by a certificate of the patel of the village in which the petitioner resides, or of one of the principal revenue or other officers of the district, or of some other person of respectability, purporting that such patel, district officer, or other person believes the facts stated in the declaration to be true, but the Judge may dispense with the certificate, if satisfactory reasons are assigned for its not having been obtained.

The Judge may reject the application.

SECTION II.—*Clause* 1*st.*—The Judge on receiving the plaint, if he does not consider that the facts alleged constitute a reasonable ground for instituting a suit, shall reject it, but otherwise, he shall require the petitioner to verify his assertion,

Or call upon the petitioner to verify his assertion of poverty.

assertion, both as to his claim and as to his poverty, either upon oath or by a solemn declaration, after being judicially admonished and shall demand such further explanation from him under the like sanction as he may deem requisite.

A day being appointed for the investigation thereof.

Clause 2d.—The Judge shall further fix a day (of which at least ten days' previous notice shall be given both to the petitioner and to the person complained against) for receiving either before himself, one of his assistants, or one of the law officers of the Court, such evidence as the petitioner may adduce, in proof of his poverty, and such objections and evidence as the adverse party may offer to disprove it.

To be conducted in a summary manner.

And whether the defendant appears or not.

Clause 3rd.—The investigation may be conducted in a summary manner, without reducing the evidence to writing, and may proceed, whether the person complained against, appears or not.

If the poverty is proved the petitioner may sue as a pauper.

SECTION III.—*Clause 1st.*—If the investigation shall establish the fact of the plantiff's poverty, the Court shall admit him to sue as a pauper.

Restriction of the admission of persons to plead as paupers.

Clause 2nd.—But no person shall be permitted to sue as a pauper, if it appears that, besides his dwelling place, clothes, tools, and other necessaries to the value of twenty Rupees in the whole, he possesses property sufficient to defray the probable expences of the suit, or that he has sold, mortgaged, or otherwise transferred any property for the purpose of being admitted to sue as a pauper.

Pauper suits conducted like others but without expense to the pauper.

SECTION IV.—If the application of the petitioner is granted, the suit may be filed, and shall proceed, in the same way as an ordinary suit, excepting that the whole subsequent proceedings and pleadings on the part of the plaintiff, and the copies of any papers furnished to him in the suit, shall not be required to be upon stamped paper, and that he shall not be subjected to any charge for batta to peons, expences of witnesses, fess of pleaders or otherwise, either on account of the suit, or for obtaining execution of the decree.

Who is to be allowed a pleader.

SECTION V.—If a person admitted to sue as a pauper is unable to prevail on any of the authorized pleaders to undertake the management of his suit, the Judge, if applied to, may appoint any one of them to do so.

The pauper's expences how defrayed.

SECTION VI.—Such part of the expences of the suit which would have been incurred by the plaintiff if he had not been a pauper, as may be due to individuals not on the establishment of the Court, shall, if not paid by the pauper, be discharged by the Collector, upon certificate under the signature of the Judge.

Recorded.

SECTION VII.—On the conclusion of the suit the whole of the costs which would have been incurred by the plaintiff had he not been admitted to sue as a pauper, shall be ascertained and enterred in the decree.

SECTION

And recovered when the decree is in favor of the pauper.

SECTION VIII.—If the decree is in favor of the plaintiff, the costs, or such part of them as the Court may decree shall be recovered from the defendant for the benefit of the Government, the pleader, and other parties entitled thereto, and, in all cases, the sum first recovered shall be applied to the payment of costs.

The same being recoverable from him under the ordinary rules when the decree is against him.

SECTION IX.—If the decree is against the plaintiff, the defendant, if payment of costs is awarded, may proceed against the plaintiff under the ordinary rules for the enforcement of decrees.

A person wishing to defend as a pauper to present to the Court a petition &c. on unstamped paper.

SECTION X.—*Clause* 1*st.*—If a defendant in a suit is desirous of pleading as a pauper, he shall present to the Judge a petition on unstamped paper, setting forth his request and containing the declaration specified in Section I, Clause 2d: the petition shall further be accompanied by the papers specified in Clauses 3d and 4th of the above quoted Section.

The poverty to be verified.

Clause 2*nd.*—The Judge on receiving the petition shall require the petitioner to verify the declaration in the manner prescribed in Section II, Clause 1st of this Regulation, and the application shall thereupon be proceeded on, in the manner prescribed in Clauses 2d and 3d of the same Section.

And the application disposed of as in the case of a plaintiff.

The defendant to plead in the same way.

Clause 3*rd.*—The defendant, if admitted as a pauper, shall be entitled to the same privileges, and be subject to the same rules and provisions that apply to the case of a pauper plaintiff.

Pauper appellants and respondents admitted under the previous rules.

SECTION XI.—*Clause* 1*st.*—A person may also be permitted to sue or defend in appeal as a pauper, under the rules respectively applying to plaintiffs and defendants in original suits, but if the appeal be to the Sudder Dewannee Adawlut, the respondent may at his option present his petition to be admitted as a pauper either to the Sudder Dewannee Adawlut, or to the Zilla Judge, by whom it shall be transmitted to the superior Court.

Except that the Suddur Dewanneee Adawlut admits respondents in that Court.

Paupers in original suits admitted as such in appeal.

Unless good cause be shewn to the contrary.

Clause 2*nd.*—If the appellant or respondent was recognized as a pauper in the original suit, he may be admitted to plead in the appeal also as a pauper, without further investigation, unless cause is shewn to the contrary.

The Suddur Dewannee Adawlut may direct compliance with applications.

SECTION XII.—It shall be competent to the Suddur Dewannee Adawlut, if applied to and after due investigation, to direct a person to be admitted to sue or defend as a pauper in any suit or appeal, although his application may have been refused by the Zilla Judge.

A false plea of poverty to be punished as perjury.

SECTION XIII.—A petitioner applying to be admitted to sue or defend as a pauper, who after being sworn, or judicially admonished, is guilty of wilful falsehood, shall be liable to the pains of perjury.

And groundless and vexatious suits punishable under the ordinary rules.

SECTION XIV.—Nothing contained in this Regulation shall be understood as exempting a plaintiff, suing as a pauper, from the penalties enacted in Regulation IV, A. D. 1827, Sec. LIII and LVI, and intervening Sections against persons instituting groundless and vexatious suits.

(Branch of Civil Judicature.)

REGULATION VII. A. D. 1827.

A REGULATION *to facilitate the amicable adjustment of disputes of a Civil nature by means of Arbitrators (a Punchaet).*—PASSED *by the Governor in Council on the* 1st *January* 1827, *corresponding with the* 4th *Poush Sood Sumbut, or Vikramajeet Era* 1883, *Salbahan* 1748, *and* 2nd *Jummadyool Akhir* 1242 *of the Hijree.*

Consisting of three (3) Chapters as below:

NUMBER OF CHAPTER.	TITLE.	COMMENCING SECTION.
I.	*Of the appointment of Arbitrators for adjusting disputes of a Civil nature*.....	I.
II.	*Of the proceedings of Arbitrators*..... ..	IV.
III.	*Of making, executing, and appealing from awards*.....	VIII.

REGULATION VII. A. D. 1827.

A REGULATION *to facilitate the amicable adjustment of disputes of a Civil nature by means of Arbitrators (a Punchaet).*—PASSED *by the Governor in Council on the* 1st *January* 1827, *corresponding with the* 4th *Poush Sood Sumbut or Vikramjeet Era* 1883, *Salbahan* 1748, *and* 2nd *Jummadyool Akhir* 1242 *of the Hijree.*

Preamble.

WHEREAS it is desirable, for the easy and amicable settlement of disputes of a Civil nature, that the parties should have the means of adjusting them by Arbitration, without being obliged to resort to a Court of Law, and that an Award duly pronounced in such Arbitration should have the force of a Decree of Court; and whereas it is desirable, that, even after a suit has been instituted, the parties should have the means of submitting the matters in dispute, or any part thereof to Arbitration, and that the Decree of the Court should be passed in conformity with the award of the Arbitrators, the following Rules are therefore enacted, to take effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose.

CHAPTER I.

OF THE APPOINTMENT OF ARBITRATORS FOR ADJUSTING DISPUTES OF A CIVIL NATURE.

All matters which may be grounds of action may be referred to Arbitrators.

SECTION 1.—*Clause* 1*st.*—Any such matter of dispute as is cognizable in a Civil Court may for the purposes specified in this Regulation be referred by mutual consent of the parties to one or more Arbitrators, chosen in such manner as may be agreed on by the said parties.

Even if a suit is pending and any detached point may be so referred.

Clause 2*d.*—And if an action at Law have already been commenced, it shall not prevent the parties from resorting to Arbitration at any stage of the suit, and they shall be at liberty so to refer the whole, or any part of the matter in dispute, or any point of which proof may be required in elucidation of the question.

All amicable adjustment of disputes encouraged.

But arbitration awards according to enactment open to particular consideration.

Clause 3*d.*—It is clearly to be understood, that nothing contained in this Regulation is meant to prohibit, or discourage amicable adjustments, though made in a way different from that herein prescribed, provided that such adjustments shall not be entitled to the consideration conferred on Arbitration Awards by virtue of this Regulation.

No one compellable to act as Arbitrator,

Except a Patel or Revenue Officer.

SECTION 11.—*Clause* 1*st.*—No person shall be compelled to act as Arbitrator, except he be acting as Head of a Village, or hold some office in the Revenue Department, either directly or indirectly productive of profit, in which case he shall not be at liberty to decline acting on a Deed of Reference according to the Form in Section III tendered by parties residing within the limits over which his office extends, whether he be appointed sole Arbitrator or Member of an Arbitration Punchaet.

Or Commissioner,

Clause 2*d.*—And except a Commisisoner for deciding Civil suits, who shall not be at liberty to decline acting when appointed sole Arbitrator by Deed of Reference as above said.—But he shall be

Who is to receive a fee,

shall be entitled, before commencing the investigation, to a fee of the same amount as he would have received, had the matter been tried before him as a regular suit, or if the amount at issue be greater than he may be authorized so to try, then to a fee equal to the highest which he is authorized to receive as a Commissioner.

After the choice of Arbitrators a deed of reference to be passed.

SECTION III.—*Clause* 1*st.*—When the choice of the Arbitrator or Arbitrators has been made, the parties shall execute a Deed of Reference which may be upon unstamped paper, shewing the names of the Arbitrator or Arbitrators, the nature and extent of the matter referred, the date of reference, the time within which the award is to be given, the signatures of the parties, and of two witnesses, and the consent of the parties to abide by the award, with any conditions that may be involved, such as whether the decision of a majority is to be conclusive, whether an Umpire is to be appointed &c.

Containing all requisite particulars.

The form in Appendix A, need not be followed, but its substance must be given.

Clause 2*d.*—A form of a Deed of Reference is annexed for public convenience in Appendix A, but it is hereby explained, that it is not requisite that a Deed of Reference should be framed according to this form, provided only, that it contain the matter, and be framed according to the Rules specified in the preceding Clause.

CHAPTER II.

OF THE PROCEEDINGS OF ARBITRATORS.

Arbitrators to conduct their enquiries as they think fit.

SECTION IV.—*Clause* 1*st.*—Arbitrators shall adopt such mode of enquiry and proof as may appear to them most conducive to ascertain the matters referred to them, and, if a Deed of Reference has been delivered to them in conformity with the provisions of the preceding Section, shall be entitled to assistance in conducting the investigation as follows :

And to be entitled to assistance.

Form the Court in summoning witness, administering oaths &c.

Clause 2*d.*—Any Civil Court having authority to enforce the attendance of witnesses and administer oaths or declarations to them, shall employ the same at the requisition of Arbitrators, to be expressed in a written petition, by the same means as if the witnesses were required in a matter before the said Court, and the same Rules for defraying the expenses of the witnesses and of serving the summons, and generally of procuring evidence shall be followed, but no other costs, whether arising from stamped paper or otherwise, shall be incurred.

And form Tulatees in drawing up writings.

Clause 3*d.*—The Arbitrators or parties shall on application to the Head of the Village, at which any of them may reside, receive assistance from any officer acting as Accountant to the Village, in drawing up any writing which may be required for the purposes of the Arbitration.

Absence of either party no bar to the proceedings of the punchaet.

According to its discretion.

SECTION. V.—If either party, after due notice is given, refuse or neglect to appear before the Arbitrators, it shall not preclude them from proceeding in the investigation and passing an award, if they consider that, under the circumstances of the case, the conditions of the reference would be thereby fulfilled.

The period limited for the award may be extended.

SECTION VI.—*Clause* 1*st.*—The period limited for completion of an Award, may be extended at the pleasure of the parties, on their expressing the same and fixing a new period in writing on the

on the Deed of Reference; or on a paper attached to it, but the written attestation of two witnesses shall be necessary as originally in the Deed of Reference.

At the desire of the parties duly attested.

Clause 2d.—But if an Award be not completed within the period, either originally fixed in the Deed of Reference, or afterwards fixed according to the Rules in the preceding Clause, the Arbitration shall be considered as cancelled, and the parties to be in the same relation as if no such Arbitration had existed.

When an award is not given in time the Arbitration is cancelled.

SECTION VII.—If pending an Arbitration a suit is filed by either party, the Court, on application of the other party, and on proof, that the suit and Arbitration relate to the same matters, and that the time for making the Award has not expired, shall stay proceedings until the reference be terminated.

A suit on a matter under Arbitration to lie over for the award.

CHAPTER III.

OF MAKING, EXECUTING, AND APPEALING FROM AWARDS.

SECTION VIII.—*Clause 1st.*—The Arbitration Award which may be upon unstamped paper, shall contain the names of the parties, the date of reference, the nature and value of the matter referred, and the decision made; it shall be dated and signed by the Arbitrator if sole, otherwise by the majority which made the Award, and by the Umpire, if any.

An award how to be drawn out and what to contain.

Clause 2d.—A form of an Arbitration Award, is annexed for public convenience in Appendix B. but it is hereby explained, that attention to this form is not required, provided only that the Award shall contain the matter specified in the preceding Clause.

The form in Appendix B, need not be observed, but its substance must be given.

Clause 3d.—The Award and Deed of Reference shall be presented and filed in the Zilla Court, or delivered to any Civil Commissioner to be forwarded to the Zilla Court for that purpose, by the Arbitrators or parties, or some one of them, within fifteen (15) days after the Award is made, and they shall be accompanied by any documents which the Arbitrators may consider requisite to put on record:

Award and reference to be given in to the Zilla Court or to a Commissioner, within 15 days after the award is made.

Clause 4th.—But previously to the Award being so presented or delivered, the Arbitrator, or Arbitrators, shall tender to each party a copy of it, and the date of tender shall be specified by endorsement on the Award, or, if by a party absenting himself, the tender cannot be made, the circumstance shall be noted on the Award.

Copies of the award having been tendered to the parties, except in case of absence, which shall then be specified.

Clause 5th.—When an Award appealable under Section X. Clause 1st is filed, a written notification thereof, in the language of the Zilla under the signature of the Judge, or Assistant Judge shall be affixed to a conspicuous place in the Court room, and shall remain there until the period for appealing has expired.

Notification of the filing of appealable award to be made.

SECTION IX.—*Clause 1st*—Awards made and filed in conformity with the provisions and forms enacted in this Regulation, and final, either when filed, or by not being appealed against under Section X, shall have the force of Decrees, and shall be executed as such, the suit, when such was before the Court, being struck off the file as decided by Arbitration; and if any question

final awards considered as decrees and executed as such.

CHAPTER III.

question should arise respecting costs, which is not sufficiently provided for in the Award, the Judge shall determine it, or refer it for decision to any Court, to which he is authorized to refer for trial such a matter as was the subject of Arbitration.

Awards not made under the Regulation receivable in Court as evidence only.

Clause 2d.—Arbitration Awards or other adjustments not made and delivered to be filed, as prescribed in this Regulation, shall not be entitled to any other consideration in a Court than as evidence, or agreements to be adduced or proceeded on by ordinary course of Law.

Awards made and filed under the Regulation final, but not if the punchaet sat in certain principal towns,

except on special agreement.

SECTION X.—*Clause 1st.*—Arbitration Awards made and delivered to be filed, as prescribed in this Regulation, shall be final, unless the Punchaet was convened at the Suddur Station of the Zilla, or at any place where the Court of a native Commissioner is held; provided however that, if the parties by the Deed of Reference should expressly disclaim their right to appeal, the Award of the Punchaet wherever convened, if made and delivered to be filed according to law, shall be final.

Appeals from awards not final how filed and tried.

Clause 2d.—Appeals against filed Awards not final under the foregoing Clause, shall lie to the Zilla Judge; the petition of appeal shall be presented to the Judge within thirty (30) days after notification of the filing of the Award as provided in the 5th Clause of Section VIII, and in regard to trial and to further appeal, shall be subject to the Rules for appeals from the decisions of native Commissioners as contained in Regulation IV. A. D. 1827, Section LXXII, Clauses 1st and 2d.

APPENDIX A.

Form of a Deed of Reference.

At (here specify the place where the Deed is executed) on (here specify the date) we———and———(here specify the parties executing the Deed) having a dispute regarding a balance of account (or other ground of dispute of whatever nature) dated (here enter date of the balance or other necessary particulars of other ground of dispute) to the amount of Rupees——— Constitute you the following five (or as the case may be) persons (here specify their names) our Arbitrators for adjusting the same, engaging to abide by whatever decision the Punchaet acting according to justice and good conscience may pass, by virtue of this our Deed of Reference.—The Award of the Punchaet is to be delivered within ten (or as the case may be) days. The opinion of the majority shall determine the judgment of the Punchaet, or four members at least must concur to form the judgment of the Punchaet, (or otherwise, as the case may be). If a judgment is not found by the above named Arbitrators, we appoint (here specify the name) Umpire (or the Arbitrators shall within——— days from this date appoint an Umpire, (or otherwise as the case may be) whose decision shall be given within——— days after his appointment, and shall determine the judgment.

Signed by the parties.

Witnessed by

Signed by the witnesses.

APPENDIX B.

APPENDIX B.

Form of an Arbitration Award.

At (here specify the place where the Award is made) on(here specify the date) I (or we as the case may be, the name or names being also specified) the Arbitrator (or Arbitrators, or the Umpire and Arbitrators, as the case may be) appointed at (here specify the place) on (here enter the date) by (here enter the name of the parties) to investigate and decide their dispute regarding (here enter the grounds of dispute) of the value of (or to amount of, or as the case may be) hereby decide that (here enter the particulars of the decision.)

Signed by the Arbitrator or Arbitrators or a majority thereof (as the case may be) and by the Umpire, if there be one.

To be endorsed on the Award.

A copy of this Award was tendered on (here enter the date) to the party (here specify the name) who declined receiving it.

Signed as above.

Or,

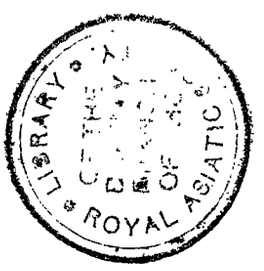
A copy of this Award was delivered on the (here enter the date to the party (here specify the name.)

Signed as above.

Or,

The party (here enter the name) having absented himself, we have been unable up to this day (here enter the date) to tender to him a copy of this Award.

Signed as above.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(Branch of Civil Judicature.)

REGULATION VIII. A. D. 1827.

A REGULATION to provide for the formal recognition of Heirs, Executors, and Administrators, and for the appointment of Administrators and Managers of Property by the Courts.—PASSED by the Governor in Council on the 1st January 1827, corresponding with the 4th Poush Sood Sumbut, or Vikramajet Era 1883, Salbahan 1748, and 2nd Jummadyool Akhir 1242 of the Hijree.

Consisting of two (2) Chapters as below :—

Number of Chapter.	Title.	Commencing Section.
I.	Rules for the recognition of Heirs, Executors, and Administrators, when there is a competent Claimant ..	I.
II.	Of the appointment of an Administrator by the Zilla Court, when there is no Heir or Executor competent and willing to be placed in possession	IX.

(Branch of the Civil Judicature.)

REGULATION VIII. A. D. 1827.

A REGULATION to provide for the formal recognition of Heirs, Executors, and Administrators, and for the appointment of Administrators and Managers of Property by the Courts.—PASSED by the Governor in Council on the 1st January 1827, corresponding with the 4th Poush Sood Sumbut, or Vikramajet Era 1883, Salbahan 1748, and 2nd Jummadyool Akhir 1242 of the Hijree.

Preamble.

WHEREAS, at the same time that it is in general desirable that the heirs, executors, or legal administrators of persons deceased should, unless their right is disputed, be allowed to assume the management, or sue for the recovery, of property belonging to the estate, without the interference of Courts of Justice, it is yet in some case necessary or convenient that such heirs, executors, or administrators, in order to give confidence to persons in possession of, or indebted to the estate, to acknowledge and deal with them, should obtain a certificate of heirship, executorship, or administratorship from the Zilla Court.

And whereas, whenever there is no person on the spot entitled or willing to take charge of the property of a person deceased, or, when the right of succession is disputed between two or more claimants, none of whom has taken possession; or, where the heirs are incompetent to the management of their affairs, and have no near relations entitled and willing to take charge on their behalf; or, where a person possessed of property dies intestate, and without known heirs; it is essential, that the Zilla Court should appoint an administrator for the management of the estate; the following Rules are therefore enacted, to take effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose.

CHAPTER I.

RULES FOR THE RECOGNITION OF HEIRS, EXECUTORS, AND ADMINISTRATORS, WHEN THERE IS A COMPETENT CLAIMANT.

The legal Heir, &c. of a Person deceased is competent to represent him, without recognition from the Court.

SECTION I.—Whenever a person dies, leaving property, whether moveable or immoveable, the heir or executor, or legal administrator may assume the management, or sue for the recovery of the property, in conformity with the law or usage applicable to the disposal of the said property, without making any previous application to the Court to be formally recognized.

But if such Recognition is requested,

SECTION II.—*Clause* 1*st.*—But if an heir, executor, or administrator is desirous of having his right formally recognized by the Court, for the purpose of rendering it more safe for persons in possession of, or indebted to the estate, to acknowledge and deal with him, the Judge, on application, shall issue a proclamation in the form contained in Appendix A, inviting all persons who dispute the right of the applicant to appear in the Court within one month from the date of the proclamation, and enter their objections, and declaring that if no sufficient objection is offered, the Judge will proceed to receive proof of the right of the applicant, and, if satisfied, grant him a certificate of heirship, executorship, or administratorship.

A Proclamation will be issued.

And effectually published.

Clause 2*nd.*—The proclamation shall be published in the manner directed in Regulation IV. A. D. 1827, Section VIII. Clause 10.

And if no objection appears, the Recognition will be granted.

SECTION III.—If at the expiration of the time mentioned in the Proclamation no sufficient objection has been made, the Court shall forthwith receive such proof as may be offered of the right of the person making the claim; and, if satisfied, shall grant a certificate in the form contained in Appendix B, declaring him the recognized heir, executor, or administrator of the deceased.

If an objection appears, same to be examined.

And the Recognition given or refused accordingly.

SECTION IV.—*Clause* 1*st*.—If before the expiration of the time any objection is made to the right of the person claiming as heir, executor, or administrator, the Judge, on a day to be fixed (of which at least eight days' previous notice shall be given to the parties,) shall summarily investigate the grounds of the objections on the one hand, and of the right claimed on the other, examining such witnesses or other evidence as may be adduced by the parties, and either grant or refuse a certificate as the circumstances of the case may require.

Unless the Question is complicated or difficult, when the matter must be left for regular Adjudication.

Clause 2*nd*.—But if from the evidence adduced it appears that the question at issue between the parties is of a complicated or difficult nature, the Judge may suspend proceedings in the application for a certificate, until the question has been tried by a regular suit, instituted by one of the parties.

The authenticity of Wills and Recognitions how certified.

SECTION V.—Whenever an executor is formally recognized under the rule contained in Section IV. the authenticity of the will, if any, by which he is appointed, shall be proved, and the certificate of executorship shall be endorsed thereon.

And registered.

SECTION VI.—All wills so proved, and all certificates of heirship, executorship, and administratorship, shall be registered in the General Register, before being delivered up to the owners.

A Recognized Heir, &c. is competent to manage the Property.

SECTION VII.—*Clause* 1*st*.—An heir, executor, or administrator, holding the proper certificate, may do all acts, and grant all deeds competent to a legal heir, executor, or administrator, and may sue and obtain judgment in any Court, in that capacity.

But his Recognition gives him no Title to the Property.

Clause 2*nd*.—But, as the certificate confers no right to the property, but only indicates the person who, for the time being, is in the legal management thereof, the granting of such certificate shall not finally determine nor injure the rights of any person; and the certificate shall be annulled by the Zilla Court, upon proof that another person has a preferable right.

Nor does it relieve im from responsibility to all Claimants.

Clause 3*rd*.—An heir, executor, or administrator holding a certificate shall be accountable for his acts done in that capacity to all persons having an interest in the property, in the same manner as if no certificate had been granted.

Refusal of a Recognition no judgment against the Claim of the Applicant.

SECTION VIII.—The refusal of a certificate by the Judge shall not finally determine the rights of the person whose application is refused, but it shall still be competent to him to institute a suit, for the purpose of establishing his claim.

CHAPTER II.

OF THE APPOINTMENT OF AN ADMINISTRATOR BY THE ZILLA COURT, WHEN THERE IS NO HEIR OR EXECUTOR COMPETENT AND WILLING TO BE PLACED IN POSSESSION.

When the Heir, &c. is present but undetermined.

Or incompetent.

The Judge may appoint an Administrator.

To be duly accountable when the emergency is at an end.

SECTION IX.—Whenever there is no person on the spot entitled and willing to take charge of the property of a person deceased, where the right of succession is disputed between two or more claimants, none of whom has taken possession; or where the heirs are incompetent to the management of their affairs, from infancy, insanity, or other disqualification, and have no near relations entitled and willing to take charge on their behalf, the Judge within whose jurisdiction such property is may appoint an administrator for the management thereof, until the lawful heir, executor, or administrator appears; or the right of succession is determined; or the disqualification of the heir is removed, as the case may be; when the Judge, on being satisfied of the facts, shall direct the administrator in charge to deliver over the property to such person, with a full acocunt of all receipts and disbursements, during the period of his administration.

SECTION X.—*Clause 1st.*—Whenever any person dies intestate, and without known heirs, leaving property, the Judge within whose jurisdiction the property is shall appoint an administrator for the management thereof, and shall issue a proclamation in the form contained in appendix C, calling upon the heir of the deceased, or any person entitled to receive charge of the property, to attend and prefer his claim.

If the Heir, &c. is unknown, an Administrator to be appointed.

And a Proclamation issued,

Clause 2nd.—The proclamation shall be published in the manner prescribed in Regulation IV. A. D. 1827, Section VIII. Clause 10; and if the deceased was a native of any district or country without the limits of the Court's jurisdiction, and the property is of the value of Rupees one thousand (1,000) local currency or upwards, the proclamation shall also be published in the Bombay Courier, or other Government newspaper.

And published.

Clause 3rd.—If any person appears and satisfies the Judge of his right to the possession of the property, or any part of it, as heir, executor, administrator, or otherwise, it shall be delivered up to him, after deducting the necessary expences of management.

The Heirs, &c. appearing to be put in possession.

Clause 4th.—But if no person appears and establishes his right, the Judge, on the 31st December next after the completion of twelve months from the appointment of the administrator, shall make a report of the circumstances of the case to the Sudder Dewanee Adawlut, accompanied by an inventory and valuation of the property; and it shall be lawful for the Sudder Dewanee Adawlut either to direct the property to continue for a further period under the management of the Administrator, or to be sold by him, under the authority of the Court, and the proceeds to be deposited in the public treasury, for the eventual benefit of all concerned.

And if no Heir appears, reference to be made to the Sudder Dewanee Adawlut,

Who will grant a further time, or order the property to be sold, and the amount to be held in deposit.

SECTION XI.—Whenever an Administrator is appointed by the Judge, under Sections IX. and X. of this regulation, he shall, previously to entering upon the execution of his office, give security, in a sum to be fixed by the Judge, for the faithful discharge of his trust, and he shall be entitled to such remuneration as the Judge may fix for his trouble; but subject to modification by the Sudder Dewanee Adawlut, on the complaint of any person interested.

Administrators appointed by the Court to give proper Security.

And to be remunerated at the discretion of the Judge, and in certain cases the Sudder Dewanee Adawlut.

APPENDIX A.

Form of Proclamation to be issued when a Person applies to be recognized as Heir, Executor, or Administrator of one deceased.

PROCLAMATION.

In the Court of the Zilla of ———

Whereas A. B., inhabitant of —— died at —— on or about the —— day of —— and whereas C. D., inhabitant of —— has presented an application to the Judge of the said Zilla for the purpose of being formally recognized as heir (executor, or administrator, as the case may be) of the said A. B., this is to give notice to all persons who may dispute the right of the said C. D. as heir (executor, or administrator, as the case may be) of the said A. B. to appear in the Court of the said Zilla within one month from the date of this proclamation, there to enter their objections; and it is hereby declared, that if no sufficient objection is offered before the expiration of that period, the said Judge will forthwith proceed to receive proof of the said C. D.'s right, and to grant him, provided he shall appear entitled thereto, a certificate of heirship (executorship, or administratorship, as the case may be) of the said A. B., deceased.—Dated at —— this —— day of

(Signed) By the Judge,
Senior Assistant Judge,
or
Junior Assistant Judge.

APPENDIX B.

Form of Certificate to be granted to the recognized Heir, Executor, or Administrator of one deceased.

In the Court of the Zilla of———

Whereas A. B., inhabitant of—— died at—— on or about the—— day of——— and application was made by C. D., inhabitant of——— to the Judge of the said Court, to be formally recognized as heir (executor, or administrator, as the case may be) of the said A. B., and whereas, the usual proclamation having been issued, no sufficient objection was offered to the right of the said C. D; and whereas the said C. D. thereupon gave proof, to the satisfaction of the Court, of his right to be recognized as heir (executor, or administrator, as the case may be) of the said A. B.

This, therefore, is to certify, that the said C. D. is the recognized heir (executor, or administrator) of the said A. B., deceased.—Dated at——— this——— day of

(Signed) By the Judge,
Senior Assistant Judge,
or
Junior Assistant Judge.

APPENDIX C.

Form of Proclamation to be issued when a Person dies Intestate, and without known Heirs, leaving Property.

PROCLAMATION.

In the Court of the Zilla of———

Whereas A. B., inhabitant of—— died at—— on or about the——day of——— leaving the following property at——— within the said Zilla, viz. (here specify the property); and whereas no will of the said A. B. has been found, nor is it known if he has any heirs. This is to give notice to all persons claiming to be heirs, or to be entitled to receive charge of the said property, to attend and prefer their claim in the said Court; in order that, on such claim being proved, the said property may be delivered up to them.—Dated at—— this—— day of

(Signed) By the Judge,
Senior Assistant Judge,
or
Junior Assistant Judge.

(Branch of Civil Judicature.)

REGULATION IX. A. D. 1827.

A REGULATION *for establishing a Register of Title Deeds, and a General Register of deeds, obligations, and other writings, in each Zilla subordinate to the Presidency of Bombay.*—PASSED *by the Governor in Council, on the* 1st *January* 1827, *corresponding with the* 4th *Poush Sood Sumbut, or Vikramajet Era* 1883, *Salbahan* 1748, *and* 2nd *Jummadyool Akhir* 1242, *of the Hijree.*

Consisting of three (3) Chapters, as below:

NUMBER OF CHAPTER.	TITLE.	COMMENCING SECTION.
I.	*Of the form and nature of the Register of title deeds, and the General Register respectively, and of the mode of registering documents*	I.
II.	*Of the effect of registration in the Register of title deeds, and special provisions in favour of ancient documents, and of the grant of copies of registered deeds*	VI.
III.	*Of the effect of registration in the General Register* ....:	IX.

(Branch of Civil Judicature.)

REGULATION IX, A. D. 1827.

A REGULATION *for establishing a Register of title deeds, and a General Register of deeds, obligations, and other writings, in each Zilla subordinate to the Presidency of Bombay.*—PASSED *by the Governor in Council on the* 1*st January* 1827, *corresponding with the* 4*th Poush Sood Sumbut or Vikramajet Era* 1883, *Salbahan* 1748, *and* 2*nd Jummadyool Akhir* 1242 *of the Hijrec.*

Preamble.

WHEREAS it would be conducive to the security of titles to immoveable property, and greatly facilitate the transfer of such property by sale, gift, mortgage, or otherwise, that a Register of title deeds should be established in each Zilla, and that deeds entered therein should be allowed such a preference as to give the holder an obvious interest in presenting them for registration,

And whereas by establishing also a general register in each Zilla, for all other deeds, obligations, and writings of whatever nature, effectual means would be provided for the preservation of copies of writings, and great facility afforded in proving their contents in the event of the originals being lost or destroyed, the following rules are therefore enacted to take effect from such date as shall be prescribed in a Regulation, to be hereafter passed for that purpose.

CHAPTER I.

OF THE FORM AND NATURE OF THE REGISTER OF TITLE DEEDS, AND THE GENERAL REGISTER RESPECTIVELY, AND OF THE MODE OF REGISTERING DOCUMENTS.

Establishment of a Register of title deeds, and of a General Register.

SECTION I.—*Clause* 1*st.*—There shall be an office in each Zilla, for the registry of deeds and other papers, in which two separate registers shall be kept, the one to be called "the register of title deeds," and the other "the general register."

Each Register how composed and kept.

Clause 2*nd.*—The registers shall consist each of such number of books as may provide for the convenient registration of the various documents to be registered therein, and they shall be kept respectively in the forms contained in appendix A.

The Senior Assistant Judge to be Superintendent of the Register.

SECTION II.—*Clause* 1*st.*—The superintendence of these registers shall be vested in the Senior Assistant Judge, and in case of his death, absence or indisposition, in the officer appointed to officiate in his stead by Regulation II. A. D. 1827, Section XXVIII. Clause 3d,

And the Register's office to be open for two hours every day.

Clause 2*nd.*—The office shall be open for the dispatch of business during at least two hours daily, holidays excepted; and a written notice of the hours during which it is open, shall be fixed up in some conspicuous part thereof.

Register of title deeds to contain all writings relative to the title to immoveable property.

SECTION III.—*Clause* 1*st.*—The register of title deeds shall be appropriated to the registry of sunnuds, deeds of sale, gift, device, or mortgage of lands, houses, offices, or other immoveable property situated within the Zilla; of awards of arbitrators, determining the right to such property so situated, and of deeds of release or discharge of mortgages, or other incumbrances affecting the same, and, generally, of all documents relating to the right and title to immoveable property within the Zilla.

Clause 2*nd.*

CHAPTER I.

Decrees registered at the option of the holder.

Clause 2*nd.*—Decrees (including awards of arbitrators possessing the force of decrees under Regulation VII. A. D. 1827, Section IX. Clause 1st) and other Judicial processes affecting the right or title to immoveable property situated within the Zillah, may at the option of the holder, be registered in the register of title deeds; but it is hereby explained, that the force and effect of such documents, is in no wise to depend on their being registered.

The General Register to receive all other documents.

SECTION IV.—The general register shall be appropriated to the registry of wills, contracts, bonds, leases for the temporary occupancy of land or other property, decrees, references to, and awards of arbitrators, and in general of all deeds, obligations and writings of a different nature from those provided for in the preceding Section.

Each document for registry to be presented by the owner, or his agent, with the authorized fee.

SECTION V.—*Clause* 1*st.*—The owner of a deed or other writing, who is desirous of having it registered, shall present it himself, or by an agent bearing his power of attorney for the purpose, to the Superintendent or other person acting in the office under his authority, with the fee specified in appendix B, without payment of which the document shall not be received.

The time of presentation and other necessary particulars to be noted in the Book of Entries.

Clause 2*nd.*—A separate book to be called "the Book of Entries" shall be kept for each of the two registers, in the form contained in appendix C, and it shall be the duty of the Superintendent, or other person acting in the office under his authority, immediately on receiving a deed or writing, to enter in the proper Book of Entries, the day and hour in which it was presented, the name of the person presenting it, the nature of the writing, the description of property to which it relates, and the name of the person in whose favour the writing was executed, and, if it relates to immoveable property, the name of the place in which it is situated.

and the entry to be signed by the Superintendent.

Clause 3*rd.*—The entry shall, at the time it is made, be signed by the Superintendent, and by the person who presented the writing, to be registered. But in case of the absence of the Superintendent, it shall be signed in his stead, by the person in the office acting under his authority, and as soon after as practicable, shall be countersigned by himself.

Documents to be copied in the order noted in the Book of Entries.

Clause 4*th.*—The deeds and writings presented for registry, shall be copied at full length into the proper register, in the order in which they stand in the Books of Entries, and the copies shall be carefully compared with the original, and be attested by the signature of the Superintendent.

The Register to be duly paged and authenticated,

Clause 5*th.*—Each leaf of the register shall be paged with its number written in letters at length, and bear the signature of the Superintendent, who shall also note in his own hand-writing on the first and last page of each book, the number of pages contained in it, and attest the note with his official signature.

and references duly made in the Book of Entries, to the Register.

Clause 6*th.*—The Superintendent shall cause to be marked on the margin of the Book of Entries, opposite to the entry of each deed, or other writing, the number of the volume, and the page or pages thereof, in which it is entered in the register.

Registered documents on receipt given, to be returned,

Clause 7*th.*—The original deed, or other writing, after being registered, shall be returned to the owner, or the person who presented it, who shall sign a receipt for it, on the margin of the entry, in the Book of Entries.

endorsed with a certificate of registration,

Clause 8*th.*—But before it is returned, the Superintendent shall sign a certificate, endorsed on it, as follows. "Registered in the———page of the———volume of the Register of Title Deeds (or General Register) kept for the Zilla of———for the year———, having been presented at———o'clock of the—day of——of the said year."

Signed by the Superintendent.

Clause 9*th.*

Clause 9th.—The certificate, so endorsed and signed, shall be held in all Courts of Justice to be sufficient evidence of the registry.

which shall be good proof thereof.

CHAPTER II.

OF THE EFFECT OF REGISTRATION IN THE REGISTER OF TITLE DEEDS, AND SPECIAL PROVISIONS IN FAVOR OF ANCIENT DOCUMENTS; AND OF THE GRANT OF COPIES OF REGISTERED DEEDS.

Documents registered in the Register of title deeds, to have preference over documents not registered,

SECTION VI.—*Clause 1st.*—Every deed or other writing, transferring or mortgaging immoveable property, situated within the Zilla, if registered in the Register of title deeds shall, without regard to the date of execution, if proved to be valid, be preferred to, and satisfied before any deed of the nature of those specified in Section III. Clause 1st, either subsequently registered, or not registered at all; but this preference shall extend only to the immoveable property thereby transferred or mortgaged; provided however, that, if any person shall purchase, receive in gift, or take in mortgage immoveable property, knowing such property to have been previously sold, given or mortgaged to any other person, and that the deed of sale, gift, or mortgage, has not been registered, and shall register his own deed, in such case the registered deed shall not, from the registry of it, be entitled to preference over the unregistered deed, if proved to be authentic.

except in cases of fraud,

unregistered deeds not being thereby invalidated.

Clause 2nd.—Deeds or other writings, transferring or mortgaging immoveable property, if not registered in the register of title deeds, shall not, on that account, be invalidated or null; but shall stand, in regard to each other, unaffected by the rules relating to registration.

Specification of former enactments in favor of documents passed in the original Surat Zilla previously to 1st September 1802,

SECTION VII.—*Clause 1st.*—And whereas, by the fourth Section of Regulation IV, A. D. 1802, for establishing a register for wills, and deeds, for the transfer or mortgage of real property, as far as regards Surat and Randier, and their dependencies, and the purgunnas of Chowrassy and Cheeklee, (which Regulation subsequently from time to time, has been extended to certain of the territories more recently annexed to the Presidency of Bombay, it was left to the option of all persons to register or not, any deeds of sale, or gift of lands, houses or other real property, as well as certificates of the discharge of mortgages executed prior to the 1st September 1802; and it was provided, that the not registering such deeds, should in nowise operate to the prejudice of the rights parties thereto.

and application of these enactments to other territories.

Clause 2nd.—And whereas, principles of equity, and the spirit of the said Regulations require, that the date of passing each Regulation, for the introduction of the Code of Regulations should, with regard to the territories to which it applies, be substituted for 1st September 1802, in determining questions respecting the right of preference between registered and unregistered deeds:

Reservation of rights resting on the said enactments,

Clause 3rd.—Therefore, it is declared, that the rules enacted by the present Regulation, shall not extend to deeds of sale, or other documents executed prior to the 1st September 1802, so far as regards Surat and Randier and their dependencies, and the purgannas of Chowrassy and Cheeklee, and executed prior to the date of each Regulation respectively, as specified in appendix D, so far as regards the other territories to which such Regulation applies.

and of privileges founded on other enactments specified in Appendix E and in like manner applied.

Clause 4th.—Nothing contained in this Regulation, shall affect the privileges of deeds of mortgage or sale, or of other writings founded on the enactments contained in appendix E, viz. Section XIV. of Regulation III. A. D. 1799, applicable until 27th August 1807, when Regulation VI, A. D. 1807 was passed, to Salsette and Caranja, and Section XIV. Regulation I, A. D. 1800, enacted originally for Surat and Randier and their dependencies, and made applicable, when the Surat jurisdiction was extended on the 6th July 1802, by the passing of regulation I, of that year, to the purgunnas of Chowrassy and Cheeklee, and various Sections of regulation IV. A. D. 1802, enacted originally

for

for the Surat jurisdiction extended as above mentioned, and both made applicable by subsequent regulations to other districts, on the dates respectively specified in appendix D, to this regulation.

The Register of title deeds open to general inspection, and copies of papers allowed to be taken on application and payment of fees.

SECTION VIII.—The register of title deeds shall be open to the inspection of all who apply to the Superintendent, or to the person in the office acting under his authority, and copies of all writings in the register may be taken by such as require them, or authenticated copies be procured from the Superintendent, provided the fee respectively prescribed in appendix B, be previously paid.

CHAPTER III.

OF THE EFFECT OF REGISTRATION IN THE GENERAL REGISTER.

The General Register gives documents no privileges, but facilitates their authentication.

SECTION IX.—*Clause 1st.*—The registry of writings in the general register shall give them no privilege over writings not registered, the only object of the general register being, to preserve copies of writings, and to facilitate the proving of their contents in the event of the originals being lost or destroyed.

It is not open to general inspection, but its contents may be seen or copied on application to the Judge, by parties concerned.

Clause 2nd.—The general register shall not be open to public inspection, but persons having an interest in writings registered therein, may be allowed to take copies, or be furnished with authenticated copies, on applying to the Judge, and paying the fee prescribed in appendix B.

APPENDIX A.

FORM FOR THE REGISTER OF TITLE DEEDS.

The Register of Title Deeds in the Zilla of———for the year———

	Page fifty four.
Deed of Sale..... ..... Purgunna of..... Village of..... Lands of.....	(Copy of the Deed at full length.)
Presented for Registry. } Date	A TRUE COPY. (Signed) by the Superintendent.

	Page seventy two.
Will of..... Purgunna of..... Village of..... Dwelling house and tiled shed.	(Copy of the Will at full length.)
Presented for Registry. } Date	A TRUE COPY. (Signed) by the Superintendent.

FORM FOR THE GENERAL REGISTER.

The General Register for the Zilla of—— —for the year———

	Page forty.
Deed of Partnership..... Trade in Timber..... Ramchunder Sewram and Trimbuck Balajee.....	(Copy of the Deed at full length.)
Presented for Registry. } Date	A TRUE COPY. (Signed) by the Superintendent.

Lease of house

Lease of House.....	(Copy of the Lease at full length.)
Purgunna of.....	
Village of.....	
Presented for Registry. Date	A TRUE COPY.
	(Signed) by the superintendent.

APPENDIX B.

Table of Fees to be paid for the Registry of writings in the Register of Title Deeds, and General Register, for copies of writings registered and for searches in the Register.

For registering each writing not exceeding 400 words in length,.....Rs.	2	0	0
If above 400 words, for every 200 additional words one Rupee, provided that the fee shall in no case exceed,.....	5	0	0
For every search in either register,.....	1	0	0
For every attested copy not exceeding 400 words in length,.....	1	0	0
If above 400 words, for every 200 additional words one rupee, provided that the fee shall in no case exceed,.....	5	0	0

APPENDIX. C.

Form for the "Book of Entries" to be kept for the "Register of Title Deeds."
The Book of Entries for the Register of Title Deeds in the Zilla of——

DESCRIPTION OF DOCUMENT.	WHEN PRESENTED.	PARTICULARS.
DEED OF SALE. Purgunna of.... .. Village of..... Lands of.....	182 17th August.... .. 1 P. M.	A. B. (*or* C. D. agent for A. B. *as the case may be*) presented a deed of sale of the lands of——in the village of——in the purgunna of——executed by——in favour of the said——for the purpose of being registered in the Register of title deeds. (Signed) By the Superintendent.
WILL OF..... .... Purgunna of.. .... Village of..... Dwelling house and tiled shed.	182 19th Sept. ..... 11½ A. M.	A. B. (*or* C. D. agent for A. B. *as the case may be*) presented the will of——bequeathing a dwelling house and a tiled shed to——and others, for the purpose of being registered in the Register of title deeds. (Signed) As above.

Form for the "Book of Entries" to be kept for the "General Register."
The Book of Entries for the General Register in the Zilla of——

DESCRIPTION OF DOCUMENT.	WHEN PRESENTED.	PARTICULARS.
DEED OF PARTNERSHIP. Trade in timber:.... Ramchunder Seuram and Trimbuck Balajee....	182 12th April..... 12 at Noon.	Ramchunder Seuram presented a deed of partnership regarding trade in timber, executed between himself and Trimbuk Balajee, for the purpose of being registered in the General Register. (Signed) By the Superintendent.
LEASE OF A HOUSE. Purgunna of . .... Village of....	182 2nd June..... 11A. M.	A. B. (*or* C. D. agent for A. B. *as the case may be*) presented a lease of a house situated in the village of——in the purgunna of——granted by C. D. to the said A. B. for the purpose of being registered in the General Register. (Signed) As above.

APPENDIX. D.

Statement shewing the respective dates on which the provisons of Regulation IV. *of* 1802, *became applicable to other districts than those for which the Regulation was originally passed; deeds of sale and other documents if executed in each case, prior to the respective date specified, being privileged without registry.*

SURAT ZILLA.

REGULATION OR OTHER AUTHORITY.	TERRITORY.	DATE WHEN REG: IV. OF 1802 BECAME APPLICABLE.
Preamble to Regulation II of 1805.	The eight (8) purgunnas of Bulsar, Parneira, Bhootsur, Parchol, Soopa, Surbhan, Walor, and Boharee..... The Kusba of Bardolee, The three (3) villages of Kuttergaum, Koomarea and Phoolpara.	31st December 1802.
Preamble to Regulation I. of 1817.	The purgunna of Currode.	5th June 1816.
Regulation VI of 1817.	The purgunna of Bugwara.	6th June 1817.
Regulation III. of 1819.	The purgunna of Turkeysir. The kusba of Mota. The village of Mugdula, with some adjoining lands of the village of Peeplod. The purgunna of Oolpar.	28th November 1817.

BROACH ZILLA.

Regulation II. of 1805.	The purgunnas of Hansoot and Oklasur. The town and purgunna of Broach.	14th May 1805.
Regulation VI. of 1817.	The three (3) purgunnas of Jumbooseer, Ahmod, and Dejbara.	5th June 1817.

EASTERN ZILLA NORTH OF THE MYHEE (KAIRA.)

Regulation II. of 1805.	The tuppa of Naupar. The enam town of Kaira, and its dependencies. The three (3) purgunnas of Neriad, Mahtur, and Moondha. Sixteen villages of Dholka east of the Saburmutty river.	14th May 1805.
Regulation I. of 1817.	The purgunna of Kupurwunj. The tuppa of Bhalej. The four (4) villages of Sundana, Antroly, Wasna, and Kurnej.	5th June 1816.
Regulation III. of 1819.	The five (5) purgunnas of Mahmoodabad, Antroly, Alena, (except the two villages of Nicol and Sanoda) Tasra, and Duskuroee, to the East of the Kharee river. The Paishwa's share of the Pitlaud purgunna. The town of Oomrut.	6th June 1818.

WESTERN ZILLA, NORTH OF THE MYHEE (AHMEDABAD.)

REGULATION OR OTHER AUTHORITY.	TERRITORY.	DATE WHEN REG: IV. OF 1802 BECAME APPLICABLE.
Regulation II. of 1805.	The three (3) purgunnas of Dundooka, Ranpoor and Gogo. The purgunna of Dholka, except sixteen (16) villages which are east of the Saburmutty river.	14th May 1805.
Regulation III. of 1819.	The city of Ahmedabad. The Duskuroee purgunna to the West of the Kharee river. The purgunna of Veerumgaum. The two (2) villaes of Nikol and Sanoda, in the Alena purgunna. The purgunna of Purantej. The Paishwa's share of the districts of Byar, Hursol, and Moorassa.	6th June 1817.

ZILLA OF THE NORTHERN KONKAN.

	Though not so specifically enacted, the Islands of Salsette and Caranjah and their dependencies have been subject to Regulation IV of 1802, *from the date of its enactment.*	
Regulation VI. of 1817.	The districts of Bellapoor, Autgaum, and Kalian and all the other territories of the Paishwa Bajee Row, extending North of those districts, as far as the Demaun river, and lying between the Ghauts and the sea.	5th June 1817.
Regulation III. of 1819.	The territories of the Paishwa Bajee Row extending South of the districts of Bellapoor, Autgaum, and Kalian, as far as the Apta river, and lying between the Ghauts and the sea; with the exception of the town of Apta, and the villages of Korulwaree and Sendapoor, in the Kurnalla talooka.	2nd Sept. 1818.
Treaty with the Colaba state.	So much of the Uoorwuleet turuf, North of the Apta, as belonged to the state of Colaba, with the exception of the following ten (10) villages, and twenty five (25) Khars.	6th July 1824.

Villages.

Woolvie,	Parengur,
Turghur,	Koondeywal,
Dapolee,	Masor,
Kopur,	Awrey,
Pohee,	Gowan,

Khars.

Nandaee Neemba,	Khat Khar,
Khar Wasunee,	Waltee,
Hurrichunder Peemplee	Mhalaee,
Kaljee Gobur,	Sonkhar,
Boorey Boozoorg,	Bhangaree-boozoorg,
Band Khar,	Rel Khar,

Pond Khar

Treaty with the Colaba state.	Pond Khar, Shemptee, Waltee, Danwacha-kota, Chiklee-bhom, Motee Khar, Ranjun Khar,	Hurischundur-kota, Gowendee, Boree-khoord, Booree-cha-kota, Kopur, Pota-cha-moonh,	6th July 1824.
	So much of the Toongartun Muhal, North of the Apta, as belonged to the state of Colaba, with the exception of the village of Wat. The four (4) villages Tulowrey, Chandajee, Goorvey and Nurol, in the Vuredy turuf. The two (2) villages Dewroog and Khurwarboozoorg, in the Soonalee turuf. The village Amburjey, in the Sherey turuf. The village Ambolee, in the Burey turuf. The three (3) villages Nitaley, Nourey and Khyruney, in the Tulozeh turuf. The three (3) villages Kampolee, Dewkur and Bhanwuj, in the Bortee turuf.		

ZILLA OF THE SOUTHERN KONKAN.

Regulation III of 1803.	Fort Victoria and its nine (9) dependent villages.	5th August 1803.
Regulation XI of 1814.	The Fort and Island of Sindoodroog, in Malwan, and the forts of Puddunghur, Rajkot and Serjeekot, with the villages and lands dependent on the said forts, the fort and valley of Vingorla, and the cessions by the Waree state, in Wurar and Muloondee.	2nd Novr. 1814.
Regulation III of 1819.	The territories of the Paishwa Bajee Row, bounded on the North by the Apta river, and on the South by the Karlee, or Malwan river, and lying between the Ghauts and the sea, with the four (4) following exceptions. 1st.—The Oonderee talooka, except the village of Khar Dolvie, which village belongs to the Zilla. 2d.—The three (3) following villages in Chawool; viz. Waolee, Karley and Komprolee. 3d.—The five (5) following Warees in Chawool and Thul, viz. Pakaree Rameshwur, Pakaree Bolawee, Ramajee Mahadeo, Veesajee Keshow, and Wursolee. 4th.—The oarts belonging to and situated without the walls of the fort of Rewdunda.	2nd Sept. 1818.
Regulation III of 1820.	The nine (9) following sea coast villages, in the turufs of Ajgaum and Paut, viz.	
	OF AJGAUM.	OF PAUT.
	Raree, Arowlee, Seerodee,	Dabolee, Kanolee, Keyloos, Mahapun with the adjoining fort of Newtee. Konchuree. Purolen.
		17th Feb. 1819.
Treaty with the Colaba state.	So much of the Toongartun turuf situated South of the Apta river, as belonged to the state of Colaba, with the exception of the village of Khuraree boozoorg. The two (2) villages Wureree and Shetolee, and the four (4) Khars, Sonkhar, Dhadur Khar, Khar Dubaba, and Dolvie Khar, in the Humrapoor turuf.	6th June 1824.

REGULATION IX, A. D. 1827.

APPENDIX E.

Enactment referred to in Regulation IX, *Section* VII, *Clause 4th, as remaining in force so far as to preserve the privileges of deeds of mortgage or sale, or of other writings registered in conformity with the provisions of those enactments respectively.*

SECTION XIV OF REGULATION III, A. D. 1799, AND OF REGULATION I. A. D. 1800.

XIV.—The Judge is prohibited decreeing the payment, or satisfaction of any sum due on a mortgage bond, entered into, after the 1st of January 1800, unless such mortgage bond shall have been registered in his Court at the time of passing it, of which rule, public notice is to be issued throughout his jurisdiction.

Mortgage to be registered.

Extract from Regulation IV, *A. D.* 1802, *being "a Regulation for establishing "a Registry for Wills and Deeds, for the Transfer or Mortgage of real Property, as far as regards Surat and its Dependencies, passed by the Hon'ble "the Governor of Bombay, on the 8th of July* 1802, *whilst at that settlement in "the full possession and exclusive exercise of the entire powers of the Bombay "Government, and thereafter confirmed by the Governor in Council on the 20th "of August* 1802, *corresponding with the 8th Shrawan-Vud Sumbut or Vekra-"majet Era* 1859; *Salbahan* 1724; *and 20th of Rubee-ul-Akhur* 1217 *of the "Hijree."*

III.—*First.*—The Register is authorized and required to register memorials of the following Deeds:

Memorandum of the following deeds to be registered:

Second.—Deeds of Sale or Gift of lands, houses, and other real property:

Deeds of Sale and Gift of real property:

Third.—Deeds of mortgage on lands, houses, and other real property, as well as certificates of the discharge of such incumbrances:

mortgages and incumbrances, and certificates of the discharge of them:

Fourth.—Leases and limited assignments of land, houses, and other real property, including generally all conveyances used for the temporary transfer of real property:

limited assignments and temporary transfers,

Fifth.—Wusseatnamahs or Wills:

Wills:

Sixth.—Written authorities from husbands to their wives, to adopt sons after their (the husbands') demise.

authorities to women to adopt sons after the death of their husbands.

IV.—It shall be left to the option of all persons to register or not, as they may think proper, any of the descriptions of Deeds specified in the preceding Section (Mortgage Bonds excepted) that have been executed, or which may be executed, prior to the 1st of September. The not registering such Deeds, shall in nowise operate to the prejudice of the rights of the parties thereto, which shall remain the same as if this Regulation had never been enacted.

* Option left of registering any of the Deeds specified in the preceding sections executed, or that may be executed prior to 1st of September.

V.—It shall also be left to the option of all persons to register or not, as they may think proper, the several descriptions of Deeds specified in Clauses 4th, 5th, and 6th, of Section III, whether executed previous, or subsequent to the 1st September; the not registering of the Deeds specified in those three clauses, shall in nowise operate to the prejudice of the rights of the parties thereto, which shall remain the same as if this Regulation had never been enacted.

Deeds specified in the three last clauses of Section III, whether executed before or after 1st September, may be registered or not, at the option of the parties.

VI.—*first.*—Every deed of sale, or gift of the description specified in Clause 2nd, Section III, that may be executed on or after the 1st of September, and a memorial of which shall be duly registered according to this Regulation, shall, provided its authenticity be established to the satisfaction of the Court, invalidate any other deed of sale or gift for the same property executed subsequent to the said date which may not have been registered, and whether such second or other deed shall have been executed prior or subsequent to the registered deed.

Deed of Sale of gift executed subsequent to the 1st September.

Second

Deeds of mortgage registered under section XIV, Regulation I, 1800 to be discharged in preference to mortgages granted subsequently to that date, not registered.

Second.—Every deed of mortgage of the description specified in Clause 3rd, Section III, that shall have been, or shall be registered, in pursuance of the requisition in Section XIV, Regulation 1, 1800, and provided its authenticity be established to the satisfaction of the Court, shall be satisfied in preference to any other mortgage on the same property executed subsequent to the said date which may not have been registered and whether such second or other mortgage shall have been executed prior, or subsequent to the registered mortgage.

Qualification of the rules in the two preceding clauses applicable to cases in which persons may purchase, take on gift, or mortgage property knowing it to have been previously sold, given, or mortgaged.

Third.—It being the object however, of the rules in the two preceding clauses, to prevent persons being defrauded by purchasing, or receiving in gift, or taking in mortgage, real property, which may have been before sold, given, or mortgaged, and, as persons can never suffer such imposition when they are apprized of the previous transfer, or mortgage of the property, it is to be understood, that, if any person shall purchase, receive in gift, or take in mortgage, any real property, knowing such property to have been previously sold, given, or mortgaged to any other person, and that the deed of sale, gift, or mortgage has not been registered, and shall register his own deed, in such case the deed of sale, gift, or mortgage of such subsequent purchaser, donee, or mortgagee, which may have been registered, shall not, from the registry of it, invalidate, or be discharged, in preference to the unregistered deed of sale, gift, or mortgage, first executed, provided the authenticity of the latter be established to the satisfaction of the Court.

In what office Deeds are to be registered.

VII.—The registry of all deeds shall be made in the Register's office of the Civil Court, under the jurisdiction of which the property affected by them may be situated.

Each description of deeds to be registered in a separate book, paged and attested as herein directed.

VIII.—*First.*—Each species of deed shall be registered in a separate book, each leaf of which shall be paged, and be attested by the Judge of the Civil Court, who shall note in his own hand-writing on the last page of each book, the number of pages contained in each book, and attest the note with his official signature.

No Register shall be deemed authentic, excepting such as shall be paged and attested.

Deeds registered to be numbered, date of the Registry &c. to be noted in the margin of the Register, Register to be deposited in Court.

Second.—Every deed entered in a Register Book shall be numbered; and the date of the month and the year, as well as the time of the day when every deed may be registered, shall be noted in the margin of the Register Books, which shall be deposited amongst the records of the Civil Court.

Forms to be observed in the registry of deeds.

IX.—*First.*—The following forms shall, from the first of September next, be observed in the registry of deeds, of which due notice shall be issued by the Judge of the Civil Court of Surat.

Forms.

Second.—The person or persons executing the deed, or his or their authorized representative, with one or more of the witnesses to the execution of it, shall attend at the Register's office, and prove by oath, before the register the due execution of the deed, upon which the register shall cause an exact copy of the deed to be entered in the proper register book, and after having caused it to be carefully compared with the original, shall attest the copy with his signature, and shall also cause the parties, or their authorized representatives in attendance, to subscribe their signature, to the copy, in the presence of two creditable witnesses (whose names shall also be subscribed thereto) and shall then return the original, with a certificate under his signature endorsed thereon, specifying the date, and the time of the day on which such deed shall have been so registered, with references to the book containing the registry thereof, and the page and number under which the same shall have been entered therein.

Certificates of the registry of deeds to be considered as evidence of their registry.

X.—The certificate to the Register, endorsed agreeably to the forms described in clause 2nd of the preceding Section, shall be considered in all Courts of Justice, to be sufficient evidence of the registry.

(Branch of Civil Judicature.)

REGULATION X. A. D. 1827.

A REGULATION for trying and deciding Disputes regarding the Boundaries of Villages, by means of a Special Commission.—PASSED by the Governor in Council on the 1st January 1827, corresponding with the 4th Poush Sood Sumbut, or Vikramajet Era 1883, Salbahan 1748, and 2nd Jummadyool Akhir 1242 of the Hijree.

Consisting of three (3) Chapters as below :—

Number of Chapter.	Title.	Commencing Section.
I.	Of constituting a Commission for the trial of Disputes regarding Boundaries, and of appointing its Members ..	I.
II.	Of the proceedings of the Commission	IV.
III.	Of executing and appealing from the judgments of the Commission	XIII.

(Branch of Civil Judicature.)

REGULATION X. A. D. 1827.

A REGULATION for trying and deciding Disputes regarding the Boundaries of Villages by means of a Special Commission.—PASSED by the Governor in Council on the 1st January 1827, corresponding with the 4th Poush Sood Sumbut, or Vikramajet Era 1833, Salbahan 1748, and 2nd Jumadyool Akhir 1242, of the Hijree.

Preamble.

WHEREAS disputes regarding the boundaries of villages are often productive of great public injury, by preventing the cultivation of the lands in dispute, and exciting feelings of animosity between neighbouring villages; and whereas the progress of a Revenue Survey through a zilla or any part thereof offers great advantages for the adjustment of such disputes, from the ready means afforded, both of measuring and inspecting the lands, and of examining evidence upon the spot; and whereas for these reasons it may often be found expedient to connect with the Revenue Survey a Commission for deciding disputes concerning the boundaries of villages, which, without impeding the amicable adjustment of such disputes by arbitration or otherwise, may try and determine all that remain unadjusted when the survey of each village is made, whereby the survey may also become a permanent record of the true boundaries of villages. The following rules have therefore been enacted to take effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose.

CHAPTER I.

OF CONSTITUTING A COMMISSION FOR THE TRIAL OF DISPUTES REGARDING VILLAGE BOUNDARIES, AND OF APPOINTING ITS MEMBERS.

Commission for deciding Boundary Disputes when to be appointed.

SECTION I.—*Clause* 1*st*.—Whenever a Revenue Survey is undertaken in a zilla or any part thereof, it shall be competent to the Governor in Council to appoint a Commission, for the purpose of hearing and deciding disputes between villages respecting their boundaries in the manner prescribed in this Regulation.

How to be designated;

And proclamation of its formation.

Clause 2*nd*.—The Commission shall be designated "*The Commission for deciding Boundary Disputes in the Zilla of (or in the District of*—— as the case may require)," and the appointment of such Commission with its object shall be announced by a proclamation in the form contained in Appendix A.

How to be issued.

Clause 3*rd*.—The proclamation shall be issued by the collector of the zilla in which the survey is about to be commenced, and shall be published by being read aloud in the market place of the principal town, in each Camavisdarship, Mamlutdarship, or district of similar extent, over which the survey extends, and by being fixed up in every such market place, in every Court, and in every Collector's Kutchery within the zilla or district.

Commission to be constituted of not less than three Members, how selected.

SECTION II.—*Clause* 1*st*.—The Commission shall consist of not less than three members, to be appointed by Government, one of whom shall be taken from the Officers of the Revenue Survey, and another from the Land Revenue Department of the respective zilla, and the remaining member or members from either the Survey or any Civil Department.

Two Members when competent to proceed.

And a third when required.

Clause 2*nd*.—Any two of the members shall be competent to proceed, and, if they agree in opinion, to pass a decision; but if they disagree, they shall suspend proceedings until they are joined by a third member, when the decision shall be regulated by the opinion of the majority.

Oath of the Members of the Commission.

SECTION III.—Each Commissioner, previously to executing any of the functions of his office, shall take and subscribe, before the Judge of the zilla in which he is to act, or before any other person whom the Governor in Council may authorize to administer it, the oath contained in Appendix B.

CHAPTER II.

OF THE PROCEEDINGS OF THE COMMISSION.

When a Boundary is to be defined, notice to be given to the Patel of the Village and to the Patels of neighbouring Villages.

SECTION IV.—*Clause* 1*st*.—When a Special Commission has been appointed to define the boundaries of a village, the Commission shall give at least eight days' previous notice in writing, in the form contained in Appendix C, to the head Patel of such village, and to the head Patels of all the villages whose lands adjoin those of the village to be surveyed, apprizing them that the boundary of the village is about to be defined, and requiring them to attend, at a time to be fixed in the notice, each with the village accountant and watchmen, or others acquainted with the boundaries of their respective villages, for the purpose of pointing out the limits to which they extend.

Disputes not submitted to Arbitration.

Clause 2*nd*.—The notice shall further apprize them, that if there is a dispute regarding the boundary, the parties may resort to private arbitration, or refer the dispute to the Commissioners, or any of them, for arbitration, provided that the award be produced within a certain time (to be not less than fifteen days from the date of reference, and to be fixed by the Commission), or may enter the claim for trial before the Commission; but that unless on or before the day appointed for defining the boundary, some one of those methods be adopted, the Commission will fix the landmarks according to the information which it may possess, and those landmarks will thenceforward be held to define the true boundary of the village.

Or entered for Trial, will be decided, and the boundary fixed.

When Arbitration is resorted to, time to be allowed, which may be extended.

SECTION V.—*Clause* 1*st*.—If on the day appointed for defining the boundary, there should be an unadjusted dispute, upon which a deed of reference to arbitrators is produced, the Commission shall stay proceedings for such period as it may judge proper to allow for the receipt of the award; and if at the expiration of such period, no award has been given in, the Commission, if it shall not think fit to extend the period for the receipt of the same, shall proceed as if no deed of reference had been passed.

Consequence of its being exceeded.

When Arbitration is not resorted to, and the Claim not entered, dispute how determined.

Clause 2*nd*.—If there should be an unadjusted dispute, upon which no deed of reference to arbitration is produced, the Commission shall enter the same for trial, and try and decide it under the rules hereinafter contained in Sections VI. and X. and intervening sections, in the same way as if a claim had been previously preferred and entered for trial, and if there should a doubt as to which of the villages should prosecute, the Commission shall decide that question.

Disputes to be entered by written application, reciting the circumstances.

SECTION VI.—*Clause* 1*st*.—When a dispute is entered for trial before the Commission, a written application shall be made, specifying the name of the village claiming, the name of the village affected by the claim, the extent and estimated value of the land in dispute, whether cultivated or lying waste, if occupied, by whom, the time, if known, when such occupancy commenced, and the specific grounds on which such land is claimed as belonging to the village.

Under the signature of the Patel and Village Accountant.

Clause 2*nd*.—The application shall be signed by the Patel of the village entering the claim, and shall be countersigned by the village accountant.

Applications how numbered and endorsed.

SECTION VII.—*Clause* 1*st*.—The application shall be numbered and dated by endorsement, in the order in which it is received, and such endorsement shall be signed by one of the Commissioners.

Clause 2nd.—It shall also be registered in a book, to be kept according to the form contained in Appendix D. — And Registered.

SECTION VIII.—*Clause 1st.*—When such application is received, the Commissioners shall, by a written notice, copies of which shall also be fixed up in conspicuous places in the village, inform the Patel of the village against which the claim is made of the boundary in dispute as claimed by the other village; and shall call upon him, on or before a day to be fixed, to state the claim of his village, by a written application similar to that prescribed in Clause 1st of Section VI. of this Regulation. — Notice to be given to the Village on which the Claim is made to make an Answer.

Clause 2nd.—When the said written application has been delivered, the Commission shall proceed to investigate and decide the dispute by taking such evidence, and considering such proofs as may be adduced by the parties. — Proceedings on the receipt of the Answer.

Clause 3rd.—But if the written application be not delivered within the period fixed, the Commission shall proceed *ex-parte* by means of such evidence and proof as may be before it. But this is not to preclude an extension of the period for good reasons. — And in default of the receipt of the same by the time fixed. Which may, however, be extended.

SECTION IX.—*Clause 1st.*—Whenever witnesses are examined by the Commissioners, the evidence may be taken in either of the modes prescribed in Regulation IV. A. D. 1827, Section XXXIV. and a witness wilfully giving false evidence before them, shall be liable to the punishment of perjury. — Witnesses may be examined on Oath or admonished. And for false Evidence shall be punished as for Perjury.

Clause 2nd.—The witnesses shall be examined *vivâ voce*, and notes of all material parts of their evidence shall be taken down, and put on record in the English language, and signed by the Commissioners. — Evidence to be *vivâ voce*. And Notes to be taken in English.

SECTION X.—*Clause 1st.*—Notices, orders, and judgments of the Commission, and applications made to it, shall be in the language of the country in which it acts, and copies shall be recorded on its proceedings, which latter shall be in English. — Process and Judgments of the Commission in what language to be written and how to be recorded.

Clause 2nd.— Each judgment shall recite, not only the decision, but the reasons for it, and a copy of it as well as of any other part of its proceedings shall be furnished, if applied for, to either party. — Substances of its Judgments which with all other Papers may be procured by the Parties.

SECTION XI.—If an award of arbitrators, accompanied by a deed of reference, according to the provisions of Regulation VII. A. D. 1827, Section III. respecting any matter before the Commission be produced previously to its passing judgment, the Commission shall cease from investigation, and shall pass judgment conformably to the award. — An Award before Decision to regulate the Judgment.

SECTION XII.—*Clause 1st.*—When the functions of the Commission cease in any zilla, the whole of the records of its proceedings as to claims regarding boundaries of land, shall be deposited with the record of civil proceedings in the Adawlut of the Zilla, but such parts of them as are no longer required for the purpose of the Commission, may be deposited with the said record before that period. — Records of the Commission to be deposited at its close, or before, if convenient, in the Adawlut.

Clause 2nd.—And the Collector of the Zilla shall be at liberty to take copies of the whole or any part of these proceedings, after they have been so deposited. — The Collector being at liberty to take Copies.

CHAPTER III.

OF EXECUTING AND APPEALING FROM THE JUDGMENT OF THE COMMISSION.

SECTION XIII.—When judgment has been given, the Commissioners shall cause the landmarks to be fixed in conformity thereto, which landmarks shall be held to define the true boundary, unless the judgment be appealed from, as hereinafter specified. — Landmarks to be fixed after Judgment. Which is final.

SECTION XIV.—The judgment of the Commissioners shall be final, unless an appeal therefrom be presented to the Judge of the Zilla, within ninety days from the date of such judgment. — Unless an Appeal be made to the Zilla Judge within ninety Days.

Appeals how to be received and tried.

SECTION XV.—*Clause 1st.*—Appeals from judgments of the Commissioners shall be received and tried by the Judge of the Zilla, and shall be subject to the same rules, with exception specified in the preceding Section, as to institution, trial, and further appeal, as appeals from decrees in suits originally tried by a Senior Assistant Judge.

And the proceedings of the Commission how procured.

Clause 2nd.—The Judge of the Zilla on receiving an appeal from a judgment, the proceedings and records of which have not already been forwarded to him, shall issue, a precept to the Commission for transmission of the same.

Decrees of the Zilla Court how to be executed.

SECTION XVI.—And, if the decree finally passed in appeal, determine other boundaries than those specified in the judgment of the Commission, the Zilla Judge shall issue a precept addressed to the Commission, if it be still acting, and, if it be no longer acting, to the Collector of the Zilla, by whom respectively new landmarks shall be placed on the disputed boundary, conformably to the decree of the Court.

APPENDIX A.

FORM OF PROCLAMATION.

The Honorable the Governor in Council having granted a Commission under date —— day of —— to —— and —— as Commissioners for hearing and deciding disputes between villages in the Zilla of —— (or district of —— as the case may require) respecting their boundaries, be it therefore known, that the said Commissioners, or such others as may hereafter be appointed by order of Government, will proceed throughout the said Zilla (or district), and in the course of their progress will be ready to hear and decide all disputes brought between villages regarding their boundaries, that may be before them, either as arbitrators, where the parties mutually agree to that mode of adjustment, or by trial in all other cases, that so disputes may cease, and each village enjoy its own land in peace.

And be it further known, that whenever villages may have settled their boundaries by agreement between themselves, or by arbitration, before the arrival of the Commission in such villages, the settlements so made will be respected.

Dated at —— this —— day of

(Signed by the Collector.)

APPENDIX B.

OATH OF THE COMMISSIONER.

I, ——, appointed Commissioner for hearing and deciding disputes between villages in the zilla of —— (or district of ——— as the case may require) respecting their boundaries, do solemnly swear, that I will perform the duties of my office with impartiality and integrity, to the best of my knowledge and abilities, so help me God.

(Signed by the Commission.)

APPENDIX C.

FORM OF NOTICE.

To A. B., head Patel of the village of ————————————————.
Take notice, that the boundary of the village of —— will be marked out on the ——— day of ——— or following days; you will therefore attend with the accountant and watchmen of your village, and others acquainted with the boundary, or possessed of any information on the subject thereof, in order that the true limits may be accurately pointed out.

And you will further take notice, that if any difference exists respecting the true boundary of your village, in so far as it meets the boundary of the said village of ——— or any of the adjacent villages (as the case may require), such difference, if not settled by mutual agreement, may either be referred to the decision of arbitrators mutually chosen, or of the Commissioners, or either of them, as arbitrators, or either party may enter their claim for trial before the Commission, which will be ready to investigate it.

But you will take notice that, unless on or before the period fixed for defining the boundary, you either produce to the Commission a deed of reference of any matter in dispute, with an award of arbitrators thereupon, or refer the same to the Commissioners or either of them as arbitrators, or enter your claim to be tried by the Commission, the Commission will proceed to ascertain the boundary, and to fix the landmarks, according to the information which it may be able to obtain, and the said landmarks will be held to define the true boundary of the village of —— unless altered by a decree passed on an appeal therefrom.

Dated at

(Signed by one of the Commissioners.)

APPENDIX D.

Register of Claims preferred to the Commission for deciding Boundary Disputes in the Zilla of —— (or District of —— as the case may require).

No. of Claim.	Date on which preferred.	Village claiming.	Village affected by the Claim.	Extent and Value of the Land. claimed.	How settled.
1	1828, Feb. 1	Wasna.	Kelumpoor.	300 begas of pasture land.	By arbitration, 25 given to Wasna, 275 to Kelumpoor.

(Branch of Criminal of Judicature.)

A. D. 1827. REGULATION XI.

A REGULATION *for defining the persons subject to the operation of the Regulations on Criminal Judicature, under what circumstances Foreigners may be given up to the Government to which they belong, and under what circumstances Government may exercise a control over the residence and persons of emigrants and their descendants.*—PASSED *by the Governor in Council on the* 1st *January* 1827, *corresponding with the* 4th *Poush Sood Sumbut, or Vikramajeet Era* 1883, *Salbahan* 1748, *and* 2nd *Jummadyool Akhir* 1242, *of the Hijree.*

Consisting of three (3) Chapters, as below :

NUMBER OF CHAPTER.	TITTLE.	COMMENCING SECTION.
I.	*Of persons subject to the operation of the Regulations on Criminal Judicature, and of the circumstances under which they are respectively subject to that operation*	I.
II.	*Of refugees from foreign countries, both natives of India, and others, charged with having committed crimes or offences, before they quitted those countries*	V.
III.	*Of rules applicable to emigrants and the descendants of emigrants in general*	VIII.

(Branch of Civil Judicature.)

REGULATION XI. A. D. 1827.

A REGULATION *for defining the persons subject to the operation of the Regulations on Criminal Judicature, under what circumstances Foreigners may be given up to the Government to which they belong, and under what circumstances Government may exercise a controle over the residence and persons of emigrants and their desendants.*—PASSED *by the Governor in Council on the* 1*st January* 1827, *corresponding with the* 4*th Poush Sood Sumbut, or Vikramajeet Era* 1833, *Salbahan* 1748, *and* 2*d. Jummadyool Akhir* 1242, *of the Hijree*

Preamble.

WHEREAS justice and good faith require that the aplication of all penal and restrictive enactments should be clearly and accurately particularized, and whereas it is therefore essential to define the persons subject to the operation of the Regulations on Criminal Judicature, and the circumstances under which they are respectively subject to that operation, and to specify the peculiar liabilities both of refugees from foreign countries charged with having committed crimes or offences before they quitted such countries, and of emigrants and the desendants of emigrants in general, the following rules have therefore been enacted to have effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose.

CHAPTER I.

OF PERSONS SUBJECT TO THE REGULATIONS ON CRIMINAL JUDICATURE AND OF THE CIRCUMSTANCES UNDER WHICH THEY ARE RESPECTIVELY SUBJECT TO THAT OPERATION.

All persons in the Zillas subject to the Criminal Regulations, except British-born subjects, and persons liable to Criminal Courts Martial or specially exempted.

SECTION I.—*Clause* 1*st.*—All persons within the Zillas subordinate to Bombay are subject to the Regulations on Criminal Judicature, with the exception of British-born subjects, persons subject to the Military Criminal Code, to the extent to which Regulation XXII, A. D. 1827, exempts them from the operation of the ordinary criminal law, and persons who may under the authority of Government be specially exempted, either wholly or in part, from the operation of the said Regulations.

Special exemption of the Nawaub of Surat and his relations and servants.

Clause 2*d.*—The Nawaub of Surat and his relations and servants are hereby declared to be exempted from the operation of the laws by virtue of the treaty concluded between the Company and the Nawaub on the 13th May 1800, of the 7th Article of which a copy is contained in Appendix A to this Regulation.

Persons subject to the laws are for six months after quitting the Bombay Zillas liable for disturbing the tranquillity of foreign states.

SECTION II.—All persons not British-born subjects, and not specially exempted as provided in the preceding Section, who may have quitted the Zillas subordinate to Bombay, are further subject, for a period of six months from the date when they quitted them, to the provisions of Regulation XIV, 1827, Section XV. regarding the disturbance of the tranquillity of foreign states.

SECTION III

Native subjects are besides for one year after quitting the Bombay Zillas liable for treason.

SECTION III.—*Clause* 1*st.*—Native subjects of the Bombay Government are further subject, for the period of one year after they shall have quitted the Zillas subordinate to Bombay, to the special provisions of Regulation XIV, A. D. 1827, Section XII, regarding treason.

Explanation of the term "Native subjects."

Clause 2*nd.*—The term "*Native subjects*" shall be understood to comprise:—

First.—Native-born subjects of the Bombay Government.

Second.—Natives of India, who may have become subjects of the Bombay Government by the conquest or cession of the place in which they were born, but such subjects shall be criminally responsible to the law only for acts done by them subsequently to the period of such conquest or cession.

Third.—Natives of India, not subjects of the Bombay Government, in the civil or military service of the Bombay Government while actually in such service, and during six months after they shall have quitted the Bombay territories, or (supposing them to be stationed out of the limits of the Bombay territories) after they shall have quitted the service: but it is to be clearly understood, that none of the established Courts in the Bombay territories is authorized to take cognizance of any charge against a native military officer, sepoy, trooper, or other person for which he may have been already tried by Court Martial.

Native subjects in what way subject to the Regulations for offences committed beyond the Bombay territories.

SECTION IV.—Native subjects of the Bombay Government shall further, when found within the Zillas subordinate to Bombay, be amenable to the law for crimes and offences committed by them in places out of the territories subordinate to the Presidency of Bombay; but the magistrate shall previously to putting the prisoner upon his trial, make a report of the case to the Governor in Council who may order the trial to take place before some one of the established Courts of Crimninal Judicature competent to try offences of the nature of that charged to have been committed.

CHAPTER II.

OF REFUGEES FROM FOREIGN COUNTRIES, BOTH NATIVES OF INDIA AND OTHERS CHARGED WITH HAVING COMMITTED CRIMES OR OFFENCES BEFORE THEY QUITTED THOSE COUNTRIES.

A Native of India offending in a foreign jurisdiction, and taking refuge in the Bombay territories, is to be surrendered if claimed.

SECTION V.—*Clause* 1*st.*—Any native of India not coming under the description of those specified in Section III, against whom an accusation may be brought to the Magistrate in whose jurisdiction he is residing by the established foreign authority in the district which he has quitted, charging him with a crime or offence committed in such district, shall, if the Magistrate shall be of opinion, that there are grounds for believing the accused to be guilty of the crime or offence alleged against him, be delivered up to the authority in whose jurisdiction it was committed.

But in certain cases the special orders of Government are requisite.

Clause 2*nd.*—But if he shall have been residing within the Zillas subordinate to Bombay, for the space of six months, or if the alleged offence should have been committed six months be-

fore the charge was preferred, or should be of a political nature, or of the nature of a fraud or other direct injury towards the ruling authority by whom the accusation is preferred, the Magistrate shall report the case to Government, and act according to its directions in respect to the surrender of the individual accused.

Clause 3rd.—Nothing contained in the preceding Clauses of this Section shall be understood to oppose the surrender to a foreign Prince of any of his subjects taking refuge in any of the Zillas subordinate to Bombay, according to such directions as may be issued by the Governor in Council, with the view of conforming to the terms of a treaty existing between the British Government and such foreign Prince.

The subject of foreign princes must also be surrendered, if a treaty exists, on order of Government.

SECTION VI.—If any person, not a native of India, nor a British-born subject, should be charged before the Magistrate in whose jurisdiction he is residing by the established foreign authority in the district which he has quitted, with a crime or offence committed in such district, the Magistrate shall refer the case to the Covernor in Council, and act according to his directions in regard to the surrender of the individual accused.

A refugee not a native of India nor a British born subject, will be surrendered or not according to the directions of Government.

SECTION VII.—If a complaint of the nature, and under the circumstances stated in the preceding Section be brought against a British-born subject, the case shall be proceeded in according to Regulation XII. A. D. 1827, Section X. Clause 2d.

A British-born subject will be proceeded against according to the English law.

CHAPTER III,

OF RULES APPLICABLE TO EMIGRANTS AND THE DESCENDANTS OF EMIGRANTS IN GENERAL.

SECTION VIII.—*Clause 1st*—Whenever the Governor in Council upon due investigation shall be satisfied, that emigrants from any country bordering upon the Zillas, subordinate to Bombay who have sought an asylum in the said Zillas, or the descendants of any of the said emigrants have abused the protection afforded to them by attempts to excite disturbances in the State from which they or their ancestors may have emigrated, it shall be competent to the Governor in Council to order the removal of those persons or any of them to such other part or parts of the country as may be judged most convenient for their future residence: in like manner it shall be competent to the Governor in Council to order such removal, whenever he may have grounds to be satisfied that the residence of any body of aliens, or their descendants in the vicinity of the frontier of the country from which they or their ancestors may have emigrated, is likely to cause any serious misunderstanding between that State and the British Government.

Emigrants and their descendants are removeable by Government.

Clause 2d.—Nothing contained in the preceding Clause shall be understood to deprive the persons, to whom it relates, of the right to quit the Bombay territories, whenever they shall be so disposed.

being always at liberty to leave the Bombay territories;

Clause 3d.—In cases in which the Governor in Council may on due inquiry and mature deliberation be satisfied, that either

but leaders or others who have excited disturbances may be confined as state prisoners.

CHAPTER, III.

the preservation of the tranquillity of the British territories, or of the dominions of the Allies of the British Government, or the maintenance of the relations of amity subsisting between the British Government and other States requires, that any of the leaders or other persons of the above description who may have committed the offences mentioned in Clause 1st of this Section should be placed and detained under restraint, it shall be competent to the Governor in Council to order any such persons, having committed any of the said offences, but not otherwise, to be apprehended and committed to confinement, at such place and under the custody of such Public officer as he may deem expedient, and detained in confinement in conformity to the rules provided for the confinement of State-prisoners.

EXTRACT from the TREATY between the British Government and the Nawaub of Surat, dated the 13th of May 1800.

ARTICLE 7th.—In complaints brought before the Court of Justice, in which it shall appear either by the application of the Nawaub, or the representation of the defendant, at or before the time of giving in his or her answer, or by the petition of the complainant, that both parties are relations, or servants of the Nawaub, such parties shall in the first instance be referred for justice to the Nawaub, or to any person he may appoint to dispense it: any complaint against the relations or immediate servants of the Nawaub by persons of a different description, shall, in the first instance, be made to the Chief Civil Servant at Surat, who shall refer it to the Nawaub, who has engaged to order an immediate investigation to be made; or, in case the parties should desire it, to order the dispute to be referred to a proper arbitration, the Nawaub engaging to bring it to a direct issue, or to carry the sentence or award, if unfavorable to his relation or servant, into immediate execution.

(Branch of Criminal Judicature.)

REGULATION XII. A. D. 1827.

A REGULATION *for the establishment of a system of Police throughout the Zillas subordinate to Bombay, for providing rules for its administration, and for defining the duties and powers of all police authorities and Servants.*—PASSED *by the Governor in Council on the first of January* 1827. *corresponding with the 4th Poush Sood Sumbut or Vikramajeet Era* 1883; *Salbahan* 1748, *and 2nd Jummadyool Akhir* 1242 *of the Hijree.*

Consisting of six (6) Chapters, as below:

NUMBER OF CHAPTER.	TITLE.	COMMENCING SECTION.
I.	*Establishment for the administration of Police*.....	I.
II.	*Of the ordinary duties of the Zilla Magistrate; comprising,*	
	Rules for the seizure and disposal of offenders and stolen articles:	
	Punishments which the Magistrate is authorized to adjudge, with the mode of conducting and recording trials, and procedure:	
	Communication to be made between Magistrates for purposes of co-operation:	
	The duty and authority of the Magistrate to protect the community, and institute and enforce miscellaneous rules for its benefit and comfort, and for the prevention of vice and crime:	
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REGULATION XII. A. D. 1827.

A REGULATION *for the establishment of a system of police throughout the Zillas subordinate to Bombay, for providing rules for its adminstration, and for defining the duties and powers of all Police authorities and servants.*—PASSED *by the Governor in Council on the 1st January 1827; corresponding with 4th Poush Sood Sumbut or Vikramajeet Era 1883, Salbahan 1748 and 2d. Jumadyool Akhir 1242 of the Hijree.*

Preamble.

WHEREAS it is desirable that a system of Police should be established throughout the Zillas subordinate to the presidency of Bombay, which should be founded chiefly on the ancient usages of the country: which, by specifying the duties to be performed, the conduct to be pursued, the powers to be exercised, and the responsibilities incurred by the officers of Police, should promote the correct execution of the trust reposed in them, and facilitate an efficient superintendence over their proceedings by the superior authorities in the department of criminal justice, and which should with these views contain provisions constituting establishments for the administration of Police, describing the ordinary duties of the Zilla Magistrate, precautionary measures in preservation of the peace and prevention of crime, and extraordinary measures in prosecution of guilt of an atrocious and dangerous character, and particularizing the duties of district and village Police authorities; the following Rules have therefore been enacted to have effect from such date as shall be prescribed in a regulation to be hereafter passed for that purpose.

CHAPTER I.

ESTABLISHMENTS FOR THE ADMINISTRATION OF POLICE.

The duties of police to be performed by the Judge and Collector as Criminal Judge and Magistrate, and their respective subordinate officers:

SECTION I.—The duties of police as described in the Regulations, shall be conducted by the Judge and Collector of each Zilla, under the respective designations of Criminal Judge, and Zilla Magistrate, the district Police officers, and the heads of villages, in the manner hereinafter enacted.

definition of the local police juridiction of the Criminal Judge,

which however in certain cases,

and in matters of process extends throughout the Zilla,

through the aid of the Magistrate may be required.

SECTION II.—*Clause* 1*st*.—The tract subject to the Police jurisdiction of the Criminal Judge, shall comprise the town at which the Adawlut is situated, and a certain space around, the limits of which shall be determined with the sanction of the Governor in Council and distinguished by marks; but, for the cognizance of acts in breach of official duty done by any native officer under the immediate official control of the Judge or Criminal Judge, the exclusive magisterial juridiction throughout the Zilla shall belong to the Criminal Judge, as in corresponding cases the Zilla Magistrate is in like manner vested under Section III, Clause 1st, with exclusive jurisdiction in the first instance; and further, in summoning witnesses, apprehending perpetrators of offences committed at the Sudder Station, or accomplices in cases already before the Criminal Judge, and in all matters of process in such cases wherever they may have originated, the Criminal Judge's police jurisdiction shall extend throughout the Zilla, which however is not to prevent his having recourse, when convenient, to the assistance of the Magistrate of the Zilla, in the same manner as he may to the Magistrate of any other Zilla.

Police duties of the establishment of the Criminal Judge the same as those in the Zilla Magistrate's department,

with a few exceptions in matters of form.

Clause 2*d*.—The establishment under the Criminal Judge, both European and native, shall aid him in the functions of Police, each officer in his respective capacity: the duties and rules for conducting them shall be the same as prescribed for the Zilla Magistrate's department, except that, in cases wherein the said officer is directed to refer a case, or forward any communication to the Criminal Judge, the latter will of course proceed direct, as if the same had been done.

SECTION III

CHAPTER I.

The Collector has police jurisdiction over his Collectorship, except the tract subject to the Criminal Judge and any part subject to the rules for military police:

but in certain cases it is more extensive.

SECTION III.—*Clause 1st.*—The Collector of each Zilla shall, under the denomination of Zilla Magistrate, perform the functions of Police, according to the rules prescribed in the sequel, in all parts of the Collectorship except the Sudder station of the Zilla, as described in Section II, Clause 1st, and any Military Cantonment which may be placed under the Superintendent of Bazars, with respect to Police, by virtue of Regulation XXII A. D. 1827, Chapter IV; but, in the cognizance of acts in breach of official duty done by any native officer under his official control in any department, the Zilla Magistrate shall possess the exclusive magisterial jurisdiction throughout the Collectorship, as in corresponding cases the Criminal Judge is in like manner vested under Section II, Clause 1st, with exclusive magisterial jurisdiction: and further, in summonses and arrests in all cases coming within his cognizance, the Zilla Magistrate's jurisdiction shall extend throughout the Collectorship, which however shall not prevent his having recourse, when convenient, to the assistance of the Criminal Judge, in the same manner as he might obtain that of any Zilla Magistrate.

his seal:

Clause 2nd.—The Zilla Magistrate shall use a Circular Seal one inch and three quarters in diameter, on which shall be inscribed in the english language and character, as well as those in most common use in the Zilla, "*The Magistrate of the Zilla of*——."

duties of the several officers of his establishment & his general control over them:

Clause 3d.—Assistants to the Collector shall act in their respective ranks as Assistants to the Zilla Magistrate and shall use his Seal; they may be deputed by him to perform any part of his duties, the Magistrate having full powers to mitigate or annul sentences passed by them; and to recall, at any stage of proceeding, matters referred to them; and all ministerial officers on the Collector's and village establishment may be employed in executing any Police process or measures.

how the assistance of law officers is to be procured.

Clause 4th.—If the Zilla Magistrate shall have occasion to ascertain any point of Himdoo or Mahomedan law, he shall procure the requisite information from the law officers on the Criminal Judge's establishment, forwarding the question in writing, which shall be answered in the same manner.

Oath of the Magistrate and his Assistants.

Clause 5th.—The Zilla Magistrate and each of his Assistants shall, previously to executing any of the functions of their offices, take and subscribe before the Governor in Council, or any person whom he may commission to administer it, the oath in Appendix A, and shall also, as soon as possible, qualify himself as a Justice of the Peace.

In case of absence Assistants succeed to the duties of principals.

SECTION IV.- It is to be understood that, in case of an Assistant to a Criminal Judge or Collector being in charge of the department, the functions of Police are among the duties which by virtue of the Regulations relating to those departments will devolve upon the said Assistant.

Each Native Collector of a District is the District Police Officer.

and where there is no such individual, an Officer to be appointed by Sunnud, revokable by Government at pleasure.

SECTION V.—Each Native Collector of a district shall have charge of the Police thereof, and shall perform the duties specified in Chapter V, and in districts where there is no such Native Collector, the Zilla Magistrate shall, with the sanction of the Governor in Council, appoint a District Police Officer to perform the said duties; in which latter case the officer shall be furnished with a written commission in the form of Appendix B, which may be recalled at the pleasure of the Governor in Council.

The head of each village is the village Police Officer, and will be furnished with a written commission:

his duties while he is absent may be done by another who however cannot punish:

SECTION VI.—*Clause 1st.*—The Police of each village shall be under charge of the Patell, or Chief Manager of the revenue thereof, and shall be conducted as prescribed in Chapter VI: this officer shall be furnished with a written commission in the form of Appendix C. but, in the event of his occasional absence, the duties, with the exception of adjudging punishments, shall be carried on by the person next to him in responsibility and influence at the village.

when revenue arrangements do not indicate one person as Police Officer,

such individual shall be selected by the Magistrate,

Clause 2nd.—When the village revenue management is divided among different persons, the Magistrate shall select one of them to take charge of the Police: and, if the revenue arrangements are of such nature as not to devolve particularly on any person resident at the village, the Magistrate shall select some one residing therein to perform the duty.

and special arrangements may be made for the Police of towns and large villages:

SECTION VII.—At towns or places, where, from the extent of the population or nature of its occupations, the Police cannot be conducted by a village head, as prescribed in the preceding Section, the Zilla Magistrate shall provide for the care of the same by appointing, with the sanction of Government, either an officer in the manner and holding the authority directed for District Police Officers in Section V, or a sufficient number of inferior officers in the manner and holding the authority directed for heads of villages in Section VI, or both of these together; the rules of subordination between them being those enacted for the above quoted officers.

misconduct of native Police Officers is punishable civilly and criminally,

SECTION VIII —*Clause 1st.*—Bribery, extortion and generally all acts of abuse or misapplication of authority, or other misconduct committed by native officers in the Police department, shall be punishable as Criminal offences, with fine, ordinary imprisonment without labour for a period not exceeding seven (7) years, and public disgrace, either singly or combined; and the receipt of a present directly or indirectly by any such officer from any person against whom, or in whose behalf he may be officially employed, shall be considered extortion, and further, punishments adjudged under this Clause shall not preclude any other prosecution, Civil or Criminal, to which the offender may be liable.

the powers of the Magistrate and Criminal Judge being extended in these cases,

Clause 2d.—In the cognizance of the offences specified in the preceding Clause, the penal jurisdiction of the Magistrate and Criminal Judge shall be, as specified in Regulation XVI. A. D. 1827, Section XI. Cause 4th

native Officers on the Zilla Magistrate's establishment are subject in the Police department to the same rules as they would be in the revenue,

even if only employed in the former.

Clause 3d.—Native officers on the revenue establishment, and employed in the Police department, shall also be subject to the authority of the Magistrate, in case of misconduct relating to their duties in the Police department, in the same way as they would have been, had the act or omission related to Revenue duties; and suspension and dismissal of a Police officer, who is not employed in the Revenue department, may take place under the same rules, as if he were so employed:

Corruption or criminality on the part of a covenanted servant in his department to be reported by the Magistrate to Government.

Clause 4th.—And if information be laid on oath before a Zilla Magistrate that any Covenanted Servant of the Company, who is, or has been employed in the Revenue or Police management of the Zilla, has been guilty of corruption, he shall forward a copy of the deposition, with any observations he may have to offer, to the Governor in Council, who will direct such investigation and proceeding as he may deem requisite, and, if he should judge it expedient, will in the mean time cause the officer accused, to be suspended from the exercise of his duties.

CHAPTER II.

OF THE ORDINARY DUTIES OF THE ZILLA MAGISTRATE; COMPRISING.

Rules for the seizure and disposal of offenders and stolen articles.

Punishments, which the Magistrate is authorized to adjudge, with the mode of conducting and recording trials, and procedure:

Communications to be made between Magistrates for purposes of co-operation:

The duty and authority of the Magistrate to protect the community, and to institute and enforce miscellaneous rules for its benefit and comfort, and for the prevention of vice and crime:

The

The official connexion of duties between the Magistrate and the court of Sudder Foujdaree Adawlut, as well as the Court of Circuit:

Superintendence of subordinate Police officers:

Punishments for contempt of the Magistrate's authority.

The magistrate to cause to appear before him any person charged with an offence committed within his jurisdiction,

SECTION IX—*Clause* 1*st.*—When the Magistrate has reason to believe either from his personal knowledge or information communicated to him, that any persons within his jurisdiction and subject thereto has committed an offence of a penal nature therein, he shall cause the said person to attend before him and answer for the same in the manner hereinafter enacted in Section XII:

if possible by summons grounded on sworn information:

the summons how to be enforced,

and security when to be taken;

Clause 2*d.*—The above imformation shall, if circumstances permit, be recorded in the form of a deposition, and the attendance of the alleged offender shall be procured by issuing a summons in the form of Appendix D, with an order thereon addressed to the officer employed to execute it, and stating whether the party's immediate attendance is required, or whether recognizance or security may be accepted, and to what extent the circumstances under which the said recognizance or security may be accepted will be found detailed in the Sections from XXIV to XXVII of this Regulation:

in cases of exigency written process may be dispensed with,

Clause 3*rd.*—But every Police officer is authorized, without written process, to seize an offender detected in the fact, or a person under circumstances of evident suspicion, as also are individuals not in official employ, when there are reasonable grounds for supposing that such offender or person would abscond, and the Magistrate may further thus direct the apprehension of persons whose names are not known, or when circumstances prevent the issuing of formal process.

stolen property to be searched for as offenders are apprehended,

Clause 4*th.*—Property supposed to be stolen or required in evidence, may be brought before the Magistrate in the same manner as prescribed in the two last preceding Clauses for procuring the attendance of individuals, a description of the articles being substituted for the personal address of the individual, when written process is issued; provided always, that dwelling houses shall not be entered in search for the same between sun-set and the ensuing sun-rise without urgent occasion, and that every precaution consistent with the object in view, be taken to avoid infringing on domestic or religious privacy; and provided also, that the houses of persons of the more respectable classes of society shall be exempt from search, on their engaging to make the search themselves, unless there should exist suspicion of connivance resting on reasonable grounds.

The search in dwelling houses being, except in cases of necessity, by day,

and with consideration.

Refugee of offenders with stolen property, if the offence were committed beyond the British territories, to be dealt with as prescribed by Regulation XI.

SECTION X.—*Clause* 1*st.*—If the Magistrate shall have reason to believe, that a person having committed an offence beyond the limits of his jurisdiction has taken refuge therein, or that stolen property has been brought therein, he shall secure such person or property, and, if the offence have been committed beyond the limits of the Presidency of Bombay and its subordinate territories, shall regulate his proceedings according to such of the provisions of Regulation XI, A. D. 1827, Sections IV, V, VI and VII, as may be applicable to the case; but, if the offence have been committed within the said Presidency, or its subordinate territories, he shall forward information to the Magistrate within whose jurisdiction the offence is supposed to have been perpetrated, and co-operate with him in furthering the ends of justice according to the Regulations, in such way as the case may require.

otherwise measures to be concerted with the proper Police authority.

Offenders who are British-born subjects and not subject to military police, to be apprehended,

Clause 2*d.*—If the Magistrate shall have reason to believe, that a British-born subject not liable to the Criminal jurisdiction of a Court-martial, as enacted in 4th Geo. IV, Chapter 81, Section 2d, has committed an offence which may render him an object of a Criminal prosecution in the Bombay Court of judicature, he shall cause him to be apprehended, and, after satisfying himself by means of evi-

dence

dence that there is good ground for supposing the offence to have been committed: he shall forward the said offender in safe custody to the Senior Magistrate of the Police at Bombay, with a record of the evidence on which he acts, and report the case to the Governor in Council, who will direct the expenses incurred to be defrayed.

and forwarded to Bombay,

with a report to Government.

Clause 3*d*.—The Magistrate shall execute such orders as he may receive from the Governor in Council, as to arresting and conveying to the presidency, Europeans and Americans found within his jurisdiction without passports or licences.

Europeans and Americans found without authority in the Zilla to be apprehended as Government may order;

Clause 4*th*.—The Magistrate shall arrest and deliver up at the nearest Military post, Deserters from His Majesty's or the Company's Military Service, who may be found within his jurisdiction.

deserters to be delivered up to military authority,

Clause 5*th*.—If the Magistrate has reason to believe, that an offence of a political nature, such has described in Regulation XIV. A. D. 1827, Chapter III, has been committed by a person to be found within his jurisdiction, he shall cause him to be placed in secure custody, and report the circumstances of the case to the Governor in Council for his instructions.

and offenders against the state to be kept in close custody;

during a reference to Government:

SECTION XI.—In cases of Assults committed by British-born subjects or Natives, at a greater distance than ten (10) miles from the presidency, rules of procedure are enacted in Act 53d Geo. III. Chapter 155, Section 105, but persons under Military command, and at a greater distance than 120 miles from the presidency, are exempted from the operation of those rules by Act 4th, Geo. IV. Chapter 81; Section 2d.

assaults by British-born subjects are cognizable in some cases by the Magistrate,

and in others by the military police authority.

SECTION XII.—*Clause* 1*st*.—When a person has been apprehended according to the provisions of Clause 1st of Section IX, if the offence be of a political nature as alluded to in the 5th Clause of Section X, the Magistrate shall act as therein directed; otherwise he shall proceed to trial of the same, and, if it appear to him that the prisoner is guilty, and that the extent of punishment which the Magistrate is authorized to inflict (as set forth in the succeeding Section) is adequate to the offence, he shall pronounce sentence accordingly; otherwise he shall forward the prisoner to the Criminal Judge of the Zilla, with a copy of the proceedings prescribed in Section XIV, and all the original written exhibits and articles, which may have been made or produced before the Magistrate, as evidence.

The Magistrate investigates all offences not of a political nature committed within his local jurisdiction,

and if the charge is proved, adjudges punishment if within his penal jurisdiction, otherwise transmits the prisoner to higher authority.

Clause 2*d*.—Provided always, that if in the course of the trial the offence appear to be such as require to be referred to the Criminal Judge, and the Zilla Magistrate should see reason to believe that it was committed by the prisoner, the case may be forwarded to the Criminal Judge as above described, without waiting completion of trial, or any further proceedings, than may at the time have been held; and on the other hand, that, if the Magistrate see no reason to suppose the prisoner guilty, he shall discharge him accordingly, without however such liberation operating as an acquittal in exempting the party from future prosecution, if the act be of such nature as to require reference to the Criminal Judge.

If the charge be evidently of a high nature, the prisoner to be transmitted for trial as soon as probable grounds of his guilt appear,

or if dismissed as guiltless by the Magistrate, he may still be hereafter prosecuted before higher authority.

SECTION XIII.—*Clause* 1*st*.—The Magistrate is authorized to adjudge sentence of the following nature and extent, to be enforced in the manner, and for the offences prescribed for each respectively in the Regulations: fine, ordinary imprisonment without labour not exceeding two (2) months, flogging not exceeding thirty (30) stripes, and personal restraint, any of which may be combined, and it shall be competent to the Magistrate to award such fine, or any part of it, in compensation to the party who may have been injured: sentences which include imprisonment shall be executed by the Criminal Judge, to whom the convict shall be forwarded with a description of the sentence in the form of Appendix E, according to which, the execution being made and endorsed, as directed in the case of warrants in Re-

Magistrate's penal jurisdiction,

fine as enforced by imprisonment in commutation not exceeding two months,

flogging, thirty stripes, and personal restraint;

imprisonment to be enforced by the Criminal Judge:

CHAPTER II.

gulation XIII. A. D. 1827, Section XV, Clause 1st, the documents shall be kept on record by the Criminal Judge.

The Magistrate's penal jurisdiction may be extended by Government to imprisonment for six months,

Clause 2*d*.—When the state of Police in any Zilla may render it desirable that the authority of the Zilla Magistrate should be increased, the limit of imprisonment prescribed in the preceding Clause may be extended to any period not exceeding six months, on Government issuing a proclamation in the form of Appendix F, to be forwarded through the

on proclamation made,

medium of the Court of Suddur Foujdaree Adawlut to the Criminal Judge and Zilla Magistrate, each of whom shall keep a translation in the language commonly used in his jurisdiction conspicuously placed in the most public office of his department, as well as that of each district or division under his charge, and a similar extent of authority may be conferred in like manner on any of the Magistrate's Assistants,

and the same rule applies to Assistants.

whose penal jurisdiction shall otherwise be as described in the preceding Clause, except that the First Assistant shall alone have authority to adjudge corporal punishment, and only for theft.

authority to commit for trial before the Court of Circuit may in like manner be given to a Magistrate,

Clause 3*d*.—The Governor in Council may also, whenever he may deem it expedient, confer on any Zilla Magistrate authority to commit offenders to be tried before a Court of Circuit, by a proclamation, in the form of Appendix G, issued and published in the manner above stated, in which case the said authority of commitment may be delegated by the Magistrate to any of his Assistants, in the same way as

who may delegate it to his Assistants:

matters within his ordinary jurisdiction, and when a commitment is thus made by the Magistrate or his Assistant, he shall transmit to the Criminal Judge of the Zilla the prisoner, unless admitted to bail, with a record of his proceedings and exhibits as directed to be prepared for trials before the Court of Circuit in Regulation XIII, A. D. 1827, Chapter III; he shall also take the measures prescribed in that Chapter for procuring the attendance of witnesses and parties, transmitting to the Criminal Judge every person, exhibit or article requi-

mode of exercising it,

site to be produced at the trial, and to be placed in custody in the interim; and the Criminal Judge shall bring up such cases for tial in the same manner, and shall also in the interim perform such functions of receiving additional evidence, accepting bail, or other offices connected with each case, as he would have executed had the commitment been made by himself, except that he shall not for any reason discharge the prisoner.

and duties of the Criminal Judge in those cases,

Trials before the Magistrate to be conducted and recorded like other trials;

SECTION XIV.—Trials before the Zilla Magistrate shall be conducted according to the rules prescribed for Criminal Courts in general in Regulation XIII, A. D. 1827, Chapter VI, but Clause 6th of Section XXVIII of the said Regulation; which directs that the law officer's exposition of the law be taken, shall, with regard to the Magistrate, have operation only on the trial of an offence against the religious law of the prisoner, as described in the concluding sentence of the first Clause of Section 1, Regulation XIV, A. D. 1827, records shall be kept by the Magistrate similar to those described in the three first Clauses of section XIV, Regulation XIII, A. D. 1827, the offices therein directed to be performed by the Serishtedar and Record-keeper being discharged by any person to whom the Magistrate may entrust them; but if a sentence in any particular case do not exceed one week's imprisonment and six stripes, it shall not be incumbent on the Magistrate to record more than the name of the convict, the offence proved, and the punishment, with the respective dates.

but trivial cases do not require detailed records.

Persons and property beyond his jurisdiction to be procured by the Magistrate on application to the proper police authority,

SECTION XV.—*Clause* 1*st*—If a magistrate require the evidence of a person, or the production of an article situated beyond his jurisdiction, he shall adopt the measures described in Regulation XIII. A. D. 1827. Section XXXIV. Clauses 2d and 3d; which proceeding shall also be applicable to the apprehension of offenders who may have quitted the Zilla wherein the offences may have been committed, and if the circumstances be such, that the parties cannot be named in the summons, information conveyed in a letter, shall be sufficient authori-

ty for the Magistrate of the Zilla in which they are found, to act according to the provisions of Section X. Clause Ist of this Regulation, and to forward the persons so seized direct to the Magistrate from whom the information was received; and the authority provided in the 3rd Clause of Section IX, to effect apprehension without formal warrant, is equally applicable to such cases as are the subject of this Clause.

who will act as in ordinary cases.

Clause 2*d*.—Magistrates shall reciprocally communicate to each other all matters involving the peace of each other's jurisdiction, and they shall execute for each other in there respective jurisdictions all process, which each respectively would have authority to execute within his own jurisdiction, in which case the Magistrate who makes the requisition, shall furnish whatever written form may be required in such cases, or, if none be prescribed in the Regulations, then some document descriptive of the process, which the Magistrate who executes it, shall return endorsed, with a description of the mode in which it has been performed, or the reason which prevented it:

Magistrates will grant each other reciprocal aid in receiving and enforcing each other's process.

and requisitions

Clause 3*d*.—But if a Magistrate, when applied to for co-operation, by virtue of the preceding clauses of this Section, shall deem the same incompatible with the good order and welfare of the zilla under his charge, this objection shall not be stated as a return to any process sent to him for execution, but he shall acquaint therewith to the Magistrate from whom it was received, without proceding to execution, and, if they should be unable to arrange a mode of procedure in which they can concur, the case may be referred to the Court of Sudder Foujdaree Adawlut for its final order.

but any Magistrate may decline compliance by letter,

and official reference may be made to the Sudder Foujdaree Adawlut..

SECTION XVI.—*Clause* 1*st*.—If the Magistrate shall have reason to suppose, that any breach of the peace or illegal act calculated to lead thereto, such as the forcible possession of disputed property, or the unauthorized removal of marks set up to denote boundaries, be likely to occur, he shall take precautionary measures to prevent the same by means of recognizance or security, as prescribed in Sections from XXIV to XXVII, both inclusive, if injunction be not deemed sufficient; and for this purpose he may cause the person suspected to be brought before him by the same process as would be used in the case of an alleged offender.

The Magistrate may employ precautionary measures in preservation of the peace when disputes are anticipated,

Clause 2*d*.—But the interference of the Magistrate in such cases shall by no means affect or confer any proprietary title or ulterior right; being intended, when such may be disputed, only to preserve the peace until decision and enforcement by the Civil Court.

but the right to any property or privilege thus disputed is not thereby affected.

SECTION XVII.—*Clause* 1*st*.—The pressing of coolies or begarees is hereby strictly prohibited, and it shall be an imperative duty of the Magistrate to take instant cognizance of all such offences, and inflict punishment on the offenders, according to the rules contained in the succeeding clauses of this section; unless the conplainant prefer instituting a civil action, and the case be not of an aggravated nature as contemplated in Clause 5th: the Magistrate is further directed to give every publicity to the said rules, so as to ensure, in every instance of their violation, a communication of the occurrence;

Persons pressing begarees to be brought to justice, well grounded complaints being encouraged.

Clause 2*d*.—Pressing is defined to be the compelling a person to serve as porter or guide by means of personal violence, as blows, or such treatment as produces corporal pain or injury: or by means of violence to property, as seizing or injuring any article belonging to him or in his occupation; or by means of threats expressed in words, or conveyed by conduct denoting an intention to inflict some injury to person or property apparently in the power of the culprit to effect.

The offence how defined.

Clause 3*d*.—Any person commiting the offence defined in the preceding Clause shall, if he be subject to the Magistrate's regular jurisdiction, be punishable according to the following scale.

and punished when the offender is not a British born subject.

if the

	If the act be accompanied with personal violence.	*If with violence to property.*	*If with threats.*
If the culprit be attended by a servant.	Fine of 40 Rupees.	Fine of 30 Rupees	Fine of 25 Rupees.
	Commutable if not paid, to one day's imprisonment for 5 Rupees of fine.		
If he be not attended by a servant.	Fine of 8 Rupees	Fine of 7 Rupees.	Fine of 5 Rupees
	Commutable as above to one day's imprisonment for each Rupee of fine.		
If he be a principal servant, (Khidmutgar.)	Fine of 15 Rupees. Commutable 8 days.	Fine of 13 Rupees. as above to imprisonment for 7 days.	Fine of 9 Rupees. 5 days.
In he be a servant of lower order than the preceding.	Fine of 8 Rupees.	Fine of 7 Rupees. or	Fine of 5 Rupees.
	Inprisonment for the same number of days, which also, when fine is imposed, constitutes the commutation.		

and when he is;

Clause 4*th*.—If the offender be a British-born subject, the Magistrate shall proceed as authorized by 53d Geo. III. Chapter 155, Section 105, unless the offender be by virtue of 4th Geo. IV. Chapter 81, subject to a Millitary Court, in which case the Magistrate shall furnish the complainant with every possible assistance in prosecuting the matter before such tribunal.

aggravated cases meet severer punishment.

Clause 5*th*.—It is to be clearly understood, that, if in execution of the offence described in Clause 2d. the offender shall have committed any criminal act requiring severer punishment than is above contemplated, he shall be liable to prosecution and punishment accordingly.

The Magistrate may in some cases compel, for fair remuneration, the labour of workmen,

SECTION XVIII.—*Clause* 1*st*.—It shall be lawful for the Magistrate on occasions of emergency to compel for public purposes the services of tradesmen, artificers, labourers, and generally all persons following the occupation of furnishing labour or articles for hire, at a rate of remuneration not below the highest they may be in the habit of receiving:

and take cognizance of the miscoduct of servants,

Clause 2*d*.—He shall also have authority to take cognizance of such misconduct on the part of private servants as constitutes a departure from proper demeanour, or a breach of duty:

by moderate and suitable punishment:

Clause 3*d*.—And the Magistrate may punish the non-compliance and misconduct specified in the two preceding Clauses, by fine not exceeding ten (10) rupees, or ordinary imprisonment without labour for a period not exceeding fourteen (14) days, or both.

he may also make rules for the public benefit in matters not involving private rights such as the resort to Dhurrumsalas &c.

SECTION XIX.—*Clause* 1*st*.—It shall be lawful for the Magistrate, when the public benefit and comfort is in question, to institute Rules respecting Dhurrumsalas, liquor shops, public wells, town gates, and generally all places of public resort, regulating the hours at which they are to be open, the manner in which they are to be used, the equal and appropriate application of their accommodations, and such matters as conduce to maintaining orderly conduct among those who resort to them:

the cutting of firewood and use of forage;

Clause 2*d*.—Also to regulate the exercise of rights to cut firewood, forage, or derive advantage from unappropriated places of productions:

Clause 3*d*.—And to cause obstructions and nuisances to be removed from thoroughfares and public places:

the removal of nuisances;

Clause 4*th*.—And to suppress, or cause to be removed to a different place, trades and occupations injurious to the health or comfort of the community:

of unwholesome trades,

Clause 5*th*.—Also to prevent such construction of buildings, and such disposal of hay or other combustible substances, as is likely to occasion conflagration, and to cause the removal of buildings in such state of weakness, as by the probability of their falling, to expose individuals to danger.

of combustibles and dangerous edifices:

Clause 6*th*.—In exercising the authority conferred by this Section, the Magistrate shall commence by issuing an injunction, which if a particular individual be concerned, shall be personal to him, otherwise it shall be notified by oral proclamation made, and written notice fixed and kept at such place or places as may be best adapted to convey information to the public, or the class concerned, a copy of which shall, at the same time, be forwarded to the Court of Sudder Foujdaree Adawlut, and it shall remain in force unless forbidden by that Court, and should any person persist in disobeying the injunction, the Magistrate may compel observance thereof by force, and punish disobedience by fine not exceeding one month's computed average income of the culprit, ordinary imprisonment without labour not exceeding one month, personal restraint, or any of these combined, and if the Magistrate finds it necessary to incur expence in removing noxious or dangerous articles, or buildings, it shall be lawful for him to deposit the same or their materials, and apply to the Court of Sudder Foujdaree Adawlut for sanction to sell the said deposit by public auction, in order to defray the said charge, and according as this sanction is granted or withheld, he shall so sell the property, delivering any overplus that may remain, to the owner, or return it altogether.

such rules before enforcement being duly promulgated and submitted to the Sudder Foujdaree Adawlut,

after which the violation of them is punishable by the Magistrate,

and expenses incurred by him in removing buildings &c. &c. will be borne by the property or its owners,

Clause 7*th*—Provided however, that, in all questions arising out of the preceding Clause of this Section, it shall be competent to any individual, who may deem himself possessed of a private right, which cannot equitably be interfered with, to file a suit in the Civil Court against the Magistrate to support his claim, and the Magistrate, if applied to, shall stay his proceedings for a reasonable period, to allow of such suit being instituted, which shall be tried before the Judge, or one of his Assistants, exclusively.

but persons deeming private rights infringed, may try the case in the Civil Court,

before the Judge or an Assistant.

Clause 8*th*.—The Magistrate shall always be authorized to take charge of stray animals and to detain them either at the Sudder Station, or at the place where found, and if the owners apply and pay the expense incurred *within two months*, the animals shall be returned to them, otherwise they shall be sold by public auction, and the *proceeds*, after deducting expences incurred, shall be paid to the *owner on demand:* the Magistrate shall also take charge of property found without an owner, and if the provisions of Regulation VIII. A. D. 1827, Chapter II. do no apply to the case, shall retain it for the eventual benefit of the said owner, on his defraying any expenses incurred, but at any period, when these may have amounted to the computed value of the property, it may be sold to defray the same.

The Magistrate shall take charge of stray animals, selling them after a period in payment of expenses incurred and for the benefit of the owners;

also property left without an owner and not otherwise guarded from spoilation.

SECTION XX.—The Magistrate shall keep standards of such weights and measures as are used in retail dealings throughout the districts under his charge, and they shall be open to the inspection of any one who may desire to examine them.

and keep standards of weights and measures.

SECTION XXI. *Clause* 1*st*.—The functions of the zilla Magistrate, as relating to Courts of Circuit, are detailed in Chapter III. of Regulation XIII. A. D. 1827, wherein proclamation of the Sessions, is prescribed in Section XIX. Clause 1st, furnishing reports in Clause 3rd of the

Enumeration of the Magistrate's duties in connexion with the Court of Circuit.

of the same Section, and the mode, in which the general superintendence of the Magistrate's duties and establishment is to be conducted, in Sections XVI. and XVII.

and the Court of Sudder Foujdaree Adawlut,

Clause 2nd.—The functions of the zilla Magistrate, as relating to the Court of Sudder Foujdaree Adawlut are detailed in Section XXIX. of the above quoted Regulation, wherein the furnishing of records is prescribed in the 1st and 2nd Clauses, furnishing information and procuring evidence in the 3rd Clause, revision of sentences in the 4th clause, and miscellaneous superintendence of the zilla Magistrate's duties and establishment in the 5th and 7th Clauses; the zilla Magistrate shall also furnish such periodical returns relating to the business of his department as the Court of Sudder Foujdaree Adawlut may call for under the immediate instructions of Government.

The Zilla Magistrate vigilantly to superintend all subordinate Police officers and establishments,

SECTION XXII.—*Clause 1st.*—The zilla Magistrate shall vigilantly superintend the conduct of the district and village Police officers and of the establishments subordinate to them; maintaining strict and active discharge of their duties, and attending to all complaints of oppression, injustice or negligence on their part, which he shall notice by injunction or reprimand, or by bringing the offenders to trial, as directed in the Regulations: he shall receive the returns prescribed to be made by them, and revise their sentences and acts, in the manner directed in the Regulations;

misconduct of native officers being punishable as in the revenue department:

Clause 2nd.—And the mode of punishing misconduct of the native establishment laid down in Section IX of Regulation XVI. A. D 1827, shall be applicable also to the Police department.

contempt of the lawful authority of Police officers punishable by the Magistrate.

SECTION XXIII.—The zilla Magistrate shall be authorized to punish by fine not exceeding one month's computed income of the culprit, or ordinary imprisonment, without labour, not exceeding one month, any person guilty of abuse, insolence, or interruption, towards himself or any Police officer in the discharge of official duty.

CHAPTER III.

OF PRECAUTIONARY MEASURES FOR PRESERVING THE PEACE AND PREVENTING CRIME; COMPRISING,

Recognizance and security:
Expulsion:
Dispersing unlawful meetings:
Seizure of unlawful implements:

Recognizance, its nature and objecet to contain a pecuniary penalty, and ordinary imprisonment in commutation

SECTION XXIV.—*Clause 1st*—Recognizance is an engagement by bond for payment of a specific sum of money, with a commutation thereof, in case of non-payment, for a specific period of imprisonment, which is always to be understood as being ordinary, and without hard labour, to be levied in the event of the party breaking the engagement therein contracted, to do, or refrain from doing some specified act, and the bond shall be in the form of Appendix H.

and in certain cases hard labour or solitary imprisonment.

Clause 2nd.—But when so directed in particular cases for good reasons, a recognizance may be made out, with the penalty of solitary imprisonment, or imprisonment with hard labour, instead of pecuniary forfeiture.

Security, its nature and object;

Clause 3rd.—Security is an engagement entered into by a person or persons by means of such a bond as described in the 1st. Clause of this Section, that some other person or persons therein specified will do, or refrain from doing an act therein specified, and the bond shall be in the form of Appendix I.

Clause

Clause 4th—The number of persons required in any particular case to constitute security, as well as the pecuniary amount of recognizance, or security, and the period of imprisonment to be suffered in commutation, shall be at the discretion of the authority before which it is entered into, subject to whatever superintending authority may be constituted by Regulation, but neither a recognizance nor security bond shall bind the party, whose act is in question, for a longer period than five (5) years, unless otherwise directed for particular cases by enactment, nor shall a person becoming security be made thereby liable to a longer period of imprisonment than two (2) years, but in determining a period within these limits the authority acting shall not be confined to any limits which may be fixed to its jurisdiction in adjudging sentences.

the authority taking the engagement fixes the number of sureties, the penalty and imprisonment,

subject to higher authority:

no engagement extends beyond five years,

nor imprisonment beyond two,

but official jurisdiction will not limit it.

SECTION XXV.—Besides those persons against whom information may exist, that there is intention or probability of their committing a specific illegal act, it shall be lawful for the Magistrate to bind over to good conduct any person who from bad reputation, turbulent habits, or other reasonable cause, is considered an object of public distrust: the appearance of witnesses at trials, as well as of persons charged as offenders, shall also be so secured, when the Magistrate is satisfied that the bond will be sufficient to secure attendance, except is cases of political offences as described in Regulation XIV. A. D 1827, Chapter III, and murder, when the persons accused shall always be kept in confinement to undergo trial: and generally the performance of, or refraining from all acts, which the Magistrate has authority to compel or forbid, may be secured by recognizance or security.

Recognizance and security may be taken whenever the Magistrate deems fit,

and particulars for making witnesses attend;

also persons accused, except of murder, and state prisoners, who must be confined,

and for general purposes;

SECTION XXVI.—*Clause 1st.*—A party may at any time redeem his recognizance by delivering himself up to the custody of the authority before whom it was entered into, and a person who has become security may at any time redeem the same by delivering up to the said authority the party for whom he so engaged, in furtherance of which object the said authority shall afford him every assistance, which the law authorizes for the apprehension of persons situated as the said party may be.

how a person may free himself from recognizance or security,

Clause 2nd.—If a recognizance or security bond be forfeited, the penalty shall be enforced by the authority to which the ultimate trial of the case, to which it relates, belongs, in the same way as if the penalty had been a sentence adjudged for a penal offence, proof of the facts which constitute the forfeiture being taken and recorded in the same manner as evidence for a criminal trial; but if such enforcement involve a longer period of imprisonment than the said authority is authorized to adjudge as a sentence, he shall forthwith report the case, with all proceedings held from the commencement, to the Court of Sudder Foujdaree Adawlut, without however deferring the enforcement in the interim.

and in case of forfeiture the penalty is adjudged by the trying authority,

and if beyond his jurisdiction the case is referred to the Sudder Foujdaree Adawlut.

SECTION XXVII.—*Clause 1st.*—If a party, from whom recognizance or security has been duly demanded, fail to furnish such as is satisfactory to the authority demanding it, confinement of the person may be resorted to, until the occasion be past; provided always, that, when the period of confinement, to which the said authority is limited in adjudging sentences for offences, has elapsed, the case shall be reported to the Court of Sudder Foujdaree Adawlut, unless it be of a nature which will occasion its being brought before some other tribunal in the usual course of trial, when the proceedings will devolve on such other tribunal, as if the recognizance or security had been originally demanded by itself:

if engagements demanded by the proper authorities are not furnished, imprisonment may be resorted to, but official jurisdiction must not be exceeded without reference to the Sudder Foujdaree Adawlut.

or other controlling authorities.

Clause 2nd.—But the Magistrate is not precluded from adopting precautionary measures of a more lenient nature in the case of a person, who may be unable to furnish satisfactory recognizance or security for his attendance, such as, provided the Magistrate considers them

also other restrictions may be resorted to,

them sufficient for the purpose, allowing the party to remain under the inspection of some trust-worthy person possessing influence over his conduct, or at some place of public resort under charge of persons in usual attendance there; and similar measures may under similar circumstances be adopted to secure the good conduct of a suspected person, in which case additional restrictions may be made, as suggested by the party's habits and the evil apprehended such as prohibiting his leaving his residence or certain limits at particular times, or providing himself with a horse, or arms, or any other restrictions which will not unreasonably affect his personal liberty, or deprive him of the means of procuring a livelihood: all which restrictions shall be notified to the party in writing, a copy thereof, with his signature in token of assent, being kept by the Magistrate, and any breach thereof shall be punishable by ordinary imprisonment without hard labour for a period not exceeding six months, which penalty also shall be inserted in the instrument.

the same being notified to the party, as well as a specified imprisonment on the breach of them.

Foreigners not British born subjects not furnishing security may be expelled from the Collectorship;

SECTION XXVIII.—*Clause 1st.*—If a person, who is not a native of the Zilla nor a British-born subject, be unable to furnish security for his good conduct satisfactory to the Magistrate, it shall be lawful for an order of expulsion to be issued, which, whether issued by the Criminal Judge or Zilla Magistrate, shall be in force throughout the Collectorship:

expulsions how executed;

Clause 2d.—The person so expelled shall be conveyed to some part of the boundary of the Collectorship, and there dismissed, being previously furnished with, or offered a writing containing the name of the Zilla, the date of expulsion and a description of the penalty enacted in the succeeding Clause, to which he will be liable if he return, and a copy of this instrument, with an endorsement specifying the execution, shall be kept on record.

penalty of returning without leave:

Clause 3d.—A person returning to a Zilla, from whence he has been expelled, shall be punishable with ordinary imprisonment not exceeding six months, after which if he return again, he shall each time be liable to the said punishment, and flogging not exceeding fifty stripes in addition:

expulsion how cancelled

Clause 4th.—But it shall always be competent to a Magistrate to recall a sentence of expulsion, when he has satisfactory reason to believe that the causes thereof have ceased, the sanction of the Suddur Foujdaree Adawlut being previously obtained, which sanction shall be endorsed under the Magistrate's signature on the sentence specified in Clause 2d. and the party shall be entitled to a written certificate of such recall, with a specification of the particulars of the expulsion.

Precautions which may be taken when the public peace is endangered,

SECTION XXIX.—If any number of persons should assemble together in a manner indicating intention to commit an unlawful act, or inconsistent with public tranquillity, it shall be competent to the Magistrate to order them to disperse, and to punish those, who do not comply, with fine or ordinary imprisonment without labour not exceeding one month.

and power of the Magistrate to seize and confiscate instruments kept for unlawful purposes.

SECTION XXX.—The Magistrate shall be authorized to seize all such instruments as he shall have good reason to believe, are kept for breaking open houses or other unlawful purposes: they shall be forfeited and disposed of as Government may direct.

CHAPTER IV.

OF EXTRAORDINARY MEASURES CONDUCIVE TO THE APPREHENSION AND PUNISHMENT OF OFFENDERS; COMPRISING.

Aid, Civil and Military:
Rewards:
Pardon to accomplices:
Responsibility of villages and their Police establishments for Roberies.
Attachment of the property of fugitives:
Banishment of Outlaws:

Aid from the community may be demanded by the Police on occasions of emergency, and failure to furnish it punished by the Magistrate:

SECTION XXXI.—*Clause* 1*st*.—All Police authorities shall be competent to call on individuals within their juridictions for such aid, as they are capable of affording without infringing the rules of their respective sects, in apprehending offenders, or enforcing any legal process, holding inquests, or procuring information; and any person withholding the same shall be punishable by the Zilla Magistrate with fine not exceeding ten (10) rupees, or ordinary imprisonment without hard labour not exceeding twenty (20) days:

offenders pursued beyond the jurisdiction to be taken when apprehended.

Clause 2*d*.—If pursuit of an offender be carried beyond the jurisdiction in which it commenced, the officers shall be entitled to the assistance of the Police of the jurisdiction in which they may arrive, which shall adopt the same measures for effecting seizure, as if the offence had been committed in the last mentioned jurisdiction, and when a person is thus apprehended, he shall be taken before either the district officer or Zilla Magistrate of the place, who, on being satisfied of his identity as the person who was pursued, or of there being reasonable grounds to suppose it, shall deliver him up to either the district officer or Zilla Magistrate of the place where pursuit commenced.

before the authority of the place, who will surrender them,

and all Police authorities will aid each other in maintaining the public peace;

Clause 3*d*.—Any Police authority shall, when the force at its disposal is insufficient to preserve the peace, or apprehend offenders within its jurisdiction, be entitled to aid from the Police establishments of adjacent authorities, for the purpose of effecting any specific measure.

military aid also, if necessary, will be supplied.

Clause 4*th*.—Military aid may be resorted to, as directed in Regulation XXII, A. D. 1827, Chapter VIII, when there is reason to apprehend, that such resistance will be made to legal process, or such violence offered to public tranquillity, as cannot easily be overcome the Police establishment.

In atrocious cases the Magistrate, to procure the apprehension or discovery of offenders, may offer a reward,

SECTION XXXII.—*Clause* 1*st*.—In a case of murder or other offence of highly atrocious nature, when the perpetrator (or perpetrators) cannot be found, or is unknown, the Magistrate shall have authority to offer a reward by proclamation for apprehension or discovery; and likewise a Court of Circuit or the Sudder Foujdaree Adawlut shall have authority to direct the Magistrate so to do.

not exceeding fifty rupees; the Court of Circuit may offer one hundred rupees; and the Sudder Foujdaree Adawlut two hundred rupees: larger rewards to be sanctioned by Government:

Clause 2*d*.—A reward offered on the Magistrate's authority shall not exceed fifty (50) rupees, nor one offered on the authority of a Court of Circuit, one hundred (100) rupees, nor one on the authority of the Sudder Foujdaree Adawlut two hundred (200) rupees: if a larger amount be deemed desirable, the case shall be reported to Government, and such reward offered as it may sanction:

proclamation to specify the reward, and the conditions which will entitle to it:

Clause 3*d*.—The proclamation shall specify the offence alleged, with whatever is known in identification of the perpetrator or perpetrators: also the amount of reward and the condition which confers a right to it, whether it be discovery, seizure or conviction of the criminal or criminals:

reward to be paid by the Collector on the order of the authority before whom the condition is fulfilled, who may in certain cases withold any part of it:

Clause 4*th*.—When the said condition is fulfilled, the reward shall be paid by the Collector to the order of the authority before which the condition was completed: but that authority shall always be competent to withhold any part of the reward, if the person claiming it have used unwarrantable means or unnecessary harshness in effecting his purpose.

Police officers cannot demand proclaimed rewards, but may be otherwise remunerated on occasion as may be deemed expedient.

Clause 5*th*.—It is to be understood, that no officer on a Police establishment shall be entitled to demand as a right a proclaimed reward under this Section, but it shall be competent to the authorities respectively referred to in the preceding Clause, to adjudge in the manner therein stated the whole or any part of such reward, or the value thereof, in such shape as may be judged appropriate, to any such officer who may have fulfilled the condition thereof in a manner meriting such extraordinary remuneration, and it shall also be competent

petent to those authorities to adjudge to a person, who may have partly fulfilled the conditions of the proclamation, a part of the reward, if his conduct be thought to merit the same.

The Court of Circuit may also assign to those who have aided in apprehending atrocious criminals a suitable reward,

SECTION XXXIII.—*Clause* 1*st*.—The Court of Circuit shall have authority to adjudge rewards to individuals, whether or not in the public service, whose conduct may have merited the same in apprehending or aiding to apprehend the perpetrators of murder, or other highly atrocious offence, provided they be convicted:

within certain pecuniary limits;

Clause 2*nd*.—Such reward shall not exceed in value one hundred (100) rupees for seizure of a leader of a gang; twenty (20) rupees for that of an accomplice, if only one be convicted, and ten (10) rupees each, if more than one be convicted, and the amount shall be paid by the Collector to the order of the Court:

as also remuneration generally to those who have distinguished themselves in Police duties;

Clause 3*d*.—And the Court of Circuit shall likewise have authority to adjudge a reward not exceeding in value fifty (50) rupees (payable as above) to persons, whether in the public service or not, who may be deemed to have merited such remuneration by perilous or laborious, exertions, or other valuable aid, in maintaining the public peace, or apprehending offenders.

in highly atrocious cases the evidence of an accomplice may be procured by a grant of pardon by the Magistrate,

SECTION XXXIV.—*Clause* 1*st*.—In a case of murder or other offence of highly atrocious nature, if it should appear that the evidence of an accomplice is necessary to procure the conviction or apprehension of a criminal or criminals, whose punishment or detection is a primary object, or that without such evidence the prosecution would fail altogether, the Magistrate shall have authority to grant a pardon to such accomplice, on his promising fully and faithfully to disclose all the circumstances within his knowledge, and to give his evidence throughout the trial without prevarication or fraud.

the conditions and particulars being recorded:

Clause 2*d*.—The offer of pardon may be made either personally to the accomplice, or by proclamation, stating the nature of the disclosure required, and excepting the persons, towards whose conviction or apprehension it is directed, from benefitting thereby; and the Magistrate shall enter on his records reasons in full for offering the same.

corresponding powers vested in the superior tribunals.

Clause 3*d*.—A Court of Circuit or the Sudder Foujdaree Adawlut shall be competent to direct a pardon to be offered under the above circumstances in the manner above described.

A pardon cannot be disturbed, but the accomplice may be punished if he fails to give true evidence.

SECTION XXXV.—1*st*.—A certificate of pardon shall be granted to the accomplice, previously to his evidence being received, and such pardon shall not be liable to be disturbed; but, if the accomplice should withhold his evidence or give false testimony, he shall be liable, in the same manner as any other witness, to the penalties thereby incurred.

his testimony being received with caution,

Clause 2*d*.—The evidence of an accomplice shall operate against a prisoner, only so far as it corroborates that of other witnesses, or strengthens impressions produced by circumstances.

Pardons to accomplices in treason to be offered only by Government.

SECTION XXXVI.—In cases of treason, the measures described in the two preceding sections respecting pardons to accomplices shall be adopted only whem directed by Government, by which authority the offer or grant of any rewards that may be deemed expedient, shall also be regulated.

Villages in certain cases responsible for robbery committed within their bounds, by fine;

SECTION XXXVII.—*Clause* 1*st*.—When robbery has been committed within the boundary of a village or the perpetrators of a robbery have been satisfactorily traced thereto, and neglect or connivace be charged against the inhabitants or the Police establishment, with regard to prevention, detection or apprehension, it shall be competent to the Magistrate to investigate the matter as a criminal offence,

and,

and, if the fact be well subsantiated to exact a fine not exceeding the value of the property lost, the whole or part of which may be awarded in compensation to the owner, according as the degree of caution and activity which he evinced on the occasion may deserve:

leviable by the Collector,

Clause 2*d.*—If the fine be awarded against the inhabitants at large, it shall be realized by the Collector in the same manner as revenue demands, and paid to the order of the Magistrate: if against individuals of the Police establishment, it shall be levied by imprisonment in commutation, as directed for fines in general, in Regulation XIV. A. D. 1827, Section IX.

and, orders to that effect may be given by a Court of Circuit.

Clause 3*d*—And a Court of Circuit shall be empowered to cause a Magistrate to levy and dispose of a fine in the manner above stated, when the circumtances detailed in the 1st Clause of this Section occur in a case decided before the said Court.

In certain atrocious cases the Magistrate, after obtaining the sanction of the Sudder Foujdaree Adawlut,

SECTION XXXVIII.—*Clause* 1*st.*—If a person charged with murder or other offence of highly atrocious nature, for whose apprehension formal process has been issued, should abscond or conceal himself, so that he cannot be found, the Magistrate shall, if he considers the case of sufficieut importance to require the measures described in the succeeding Clauses of this Section, forward a report of all the circumstances to the Court of Sudder Foujdaree Adawlut and request its sanction to adopt them: on receiving which he shall proceed as follows:

may proclaim the alleged offender, and require him to appear within a specified time,

Clause 2*d.*—A proclamation in the form of Appendix J, stating the name of the party and such other description as may be necessary to indentify him, and requiring his attendance before the Magistrate or any specified Police officer within a specified period, being not less than one (1) month from the date of the proclamation, shall be issued, by being read aloud on three successive days, at the most public place of the town or village where the party usually resides, and by a copy thereof being tendered to some servant or relation (if any such can be found)of the party, and by copies being fixed on the door of his house, or some public place at the said town or village, at the head of Police Kutcherry of the district, and any other places which may occur to the Magistrate, as necessary to secure publicity:

and if he fails may attach all his property,

Clause 3*d.*—If the party shall not appear as required within the period specified, the Magistrate shall attach all his property within the jurisdiction, both moveable and immoveable, and deliver it to the Collector, to be kept and managed as directed for property attached by virtue of Regulation XXV. A. D. 1827, Chapter II.

to be detained at the discretion of Government if he does not surrender himself within four months:

Clause 4*th.*—If the party deliver himself up within four (4) months after the period specified in the proclamation has expired, the attached property shall be returned to him, with whatever proceeds may have been realized from it during the attachment; otherwise the Magistrate shall report the case to the Governor in Council, who will issue such orders as he may deem expedient, according to the principles of Regulation XXV. A. D. 1827:

these measures may be directed by the Sudder Foujdaree Adawlut or Court of Circuit.

Clause 5*th.*—A Court of Circuit or the Sudder Foujdaree Adawlut shall be competent to direct the Magistrate to follow the procedure prescribed by this Section, in any case which it may deem to require it.

Bahurwuteeas, and similar desperate outlaws.

SECTION XXXIX.—*Clause* 1*st.*—If any person under the influence of animosity shall have notoriously abandoned his home for hostile purposes (as understood by the term *Bahurwutaee*) and there be reasonable apprehension that he meditates, and has the means of creating disturbance to the tranquility of any Zilla, the Magistrate thereof shall report the case to the Court of Sudder Foujdaree Adawlut, which, if it think necessary, shall adopt the following measures;

on the sanction of the Sudder Adawlut,

may be proclaimed,

Clause 2*nd.*—The said Court may, in lieu of the proclamation specified in Section XXXVIII. Clause 2d, or at any time subsequent to the

the publication thereof, issue a proclamation in the form of Appendix K, by which the party incurs banishment from whatever districts it may be considered expedient to prevent his entering, in the event of his not delivering himself up within the period specified in the proclamation, which shall not be less than sixty (60) days from the date thereof: this proclamation shall be forwarded to the Magistrates of whatever districts may be named in it, and shall be promulgated in manner described in the 2d Clause of Section XXVIII at the place where the party usually resides, and by a copy being read and affixed at the most public spot of the place where every district Police officer is stationed throughout the said districts:

and declared banished on not delivering themselves up within sixty days;

Clause 3*d*.—If, after the expiration of the period, the party have not delivered himself up, the sentence of banishment shall be in full force, and if be enter any of the districts to which it refers, he shall whenever apprehended, be considered as a state prisoner, and information shall be forwarded to Government, that instructions may be issued regarding him on the principles of Regulation XXV. A. D. 1827; but, if any criminal offence be charged against the party, the reference to Government shall be delayed until he has been tried for the same, and the result, after he has been, either acquitted or punished, leaves his person disposable.

and if apprehended, when banished, in the prohibited territories, shall be deemed state prisoners,

but shall be tried for their offences;

Clause 4*th*.—But, if the causes for issuing a sentence of banishment, as above authorized, shall have ceased, previous to the party being apprehended, and he should appear deserving of lenity, it shall be competent to the Court of Sudder Foujdaree Adawlut to recal the said sentence, which shall be done by sending a certificate in the form of Appendix L. to every Magistrate to whom the proclamation mentioned in the 2d Clause of this Section was forwarded, which certificate shall be published in the same manner as directed for the said proclamation, and the party himself shall be entitled to a copy thereof authenticated by any of the said Magistrates.

but upon cause shewn the Sudder Adawlut may recal such sentence of banishment.

CHAPTER V.

OF THE DUTIES OF DISTRICT POLICE OFFICERS.

District Police officers,

SECTION XL.—*Clause* 1*st*.—Each district Police officer shall aid the Magistrate in the discharge of his functions, by performing the duties described in the sequel within the limits under his charge;

to obey the Zilla Magistrate and control the subordinate Police officers,

Clause 2*d*.—He shall act in immediate subordination to, and execute processes issued by the Zilla Magistrate, and shall in similar manner have superintendence and control over the village Police officers, whose duties are explained in the following Chapter:

duly reporting misconduct and all matters of importance,

Clause 3*d*.—He shall report to the Magistrate instances of neglect, oppressions, or extortions committed by subordinate Police officers; also deficiencies in the Police establishments; and he shall keep the Magistrate well informed of the state of Police in general, and matters connected therewith:

and maintaining peace and order.

Clause 4*th*.—He shall station Peons at markets and places of public resort, in order to preserve tranquillity, and enforce such local rules as may be instituted for public convenience at the same, and he shall dispose of the Police establishments in his district, so as to provide the utmost possible efficiency in preventing and opposing plunderers or disturbers of the public welfare.

Jurisdiction of the district Police officer,

SECTION LI—*Clause* 1*st*.—The district Police officer shall have authority to punish trivial cases of theft, abuse, assult or resistance to public officers in the discharge of their duty, provided information be laid within one month after the act was committed, by fine not exceeding five (5) rupees, confinement in any suitable place not exceeding eight (8) days, or placing in the stocks or other similar restraint for a period not exceeding twelve (12) hours:

his proceedings and records:

Clause 2*d.*—The arrest of the culprits, and other proceedings in such cases shall not require any written process, nor other record than the name of the offender, the offence proved, and the punishment assigned, with the respective dates, and this record shall be forwarded monthly to the Magistrate; witnesses may also be verbally summoned and required to depose on oath, and refusing to attend or depose, may be forcibly conveyed to the Zilla Magistrate, who shall be authorized to punish them by fine not exceeding ten (10) rupees, or ordinary imprisonment without labour for a term not exceeding twenty (20) days:

refusal to give evidence before him how punishable;

Clause 3*d.*—And it shall be obtional with the complainant to withdraw his plaint, or make private compromise, at any stage of the proceeding: in which case however, the complaint and withdrawing shall be recorded as above directed.

complaints on matters punishable by him may be withdrawn on a record being made:

SECTION XLII.—*Clause* 1*st.*—In districts, where peculiar occasion may exisit for the Police officer to exercise a more extensive penal authority than allowed by the preceding Section, it shall be competent to the Governor in Council to invest him with such, by order addressed to the Court of Sudder Foujdaree Adawlut, specifying (within the limits mentioned in the succeeding Clause) the extent of punishment which he shall be authorized to adjudge; whereupon the said Court shall forward a proclamation in the form of Appendix M. to the Magistrate, who shall cause it to be affixed to a conspicuous part of the Police Kuchery at the Sudder Station, and at the respective districts, and thereafter it shall be in force:

when necessary the district Police officer's penal jurisdiction may be extended.

by proclamation,

Clause 2*d.*—The said extended powers shall not exceed ordinary imprisonment without hard labour for a period of two (2) months, fine of thirty (30) rupees, twenty (20) stripes, or personal restraint, or any of these combined: the offences for which they may be inflicted shall be the same as those mentioned in Clause 1st of the preceding Section, without however the restriction as to the period at which the offence may have been committed, applying to thefts, and all process and proceedings shall be conducted and recorded in the same way as prescribed for the Magistrate, in Section XIV of this Regulation, and shall be forwarded to him monthly with the record mentioned in Clause 2d of the preceding Section.

to imprisonment for two months, fine thirty rupees, twenty stripes, and personal restraint, singly or combined:

cognizable offences being the same, but not the limitation of time.

and proceedings and records shall be more formal,

and shall be transmitted monthly to the Magistrate.

SECTION XLIII.—*Clause* 1*st.*—The district Police officer shall forward in custody to the Magistrate any person whom he may have reasonable cause to suppose to have been guilty of any penal offence of a nature more serious than those which he is empowered to try, and according to the principles of Section IX. Clause 3d, he is authorized to apprehend such person without written process: but he shall, after securing the suspected persons, investigate the matter, examine witnesses, and record such statements as the prisoner may voluntarily make, causing to be affixed thereto the signatures of two creditable persons in attestation, and, if the result confirm, that there is occasion to bring the party to trial, the said proceedings shall be forwarded with him to the Magistrate:

Persons suspected of a crime to be apprehended and examined and if requisite forwarded to the Magistrate.

Clause 2*d.*—The witnesses in the above cases shall also be forwarded to the Magistrate or their attendance before him secured by recognizance or security in the manner prescribed in Sections from XXIV to XXVII both inclusive, and articles stolen or required in evidence, shall be secured as directed in Clause 4th, Section IX, and forwarded to the Magistrate, and, if a prisoner should be desirous of furnishing security for his appearance in preference to being conveyed in custody, the district officer may accept the same observing that by the above quoted rules murder and offences against the State are cases in which the party cannot be admitted to bail.

the attendance of witnesses being also secured,

and prisoners when fitting being allowed to furnish bail:

Clause 3*d.*—If there be reasonable cause to suppose, that any person meditates disturbance to the public tranquillity, or is likely to commit any penal act, the district Police officer shall cause him to be

offences to be prevented by apprehending the party who meditates them,

con-

conveyed to the Magistrate in the manner and with the forms directed by the two preceding Clauses, with regard to persons who are supposed to have committed offence: but, if the act apprehended be personal assault, it shall instead be competent to that officer to bind over the party by recognizance or security as above stated, if he consider the measure sufficient to ensure peaceable demeanour, provided that forfeiture of the same shall only be determined by trial before some superior authority:

or binding him to good behaviour:

Prisoners for transmission to the Magistrate not being detained for more than forty-eight hours without strong cause.

Clause 4th.—The district Police officer shall not delay the transmission of prisoners for a longer period than forty-eight (48) hours, unless for indispensable reasons which must always be reported with the case, or before it, to the Magistrate.

The district Police officer to investigate serious offences on the spot,

SECTION XLIV.—*Clause 1st.*—When offences of a serious nature are committed, the district Police officer shall repair to the spot and investigate them personally, if other business permit:

Particularly murder,

when an inquest must be held:

Clause 2d.—And if a murder be committed, or any person die under circumstances conveying suspicion, that his death has been unlawfully occasioned, the district Police officer shall be careful to cause investigation thereof by means of an inquest, if the measure have not already been adopted by the village officer, to be held by three or more creditable individuals, whose report shall be committed to writing, and form part of the evidence in the case.

to suggest salutary rules to the Magistrate:

SECTION XLV.—*Clause 1st.*—It shall be the duty of the district Police officer to suggest to the Magistrate such local rules as he may consider conductive to the comfort and benefit of the community, and to the prevention of vice and crime, and to execute such measures for these purposes as the Magistrate may direct under the authority conveyed in Section XIX.

to keep standard weights and measures,

and stray animals, reporting the same:

Clause 2d.—The district Police officer shall keep standards of weights and measures for public inspection, and take charge of stray animals and property found without an owner, reporting the same to the Magistrate, that they may be disposed of according to the principles of Section XIX, Clause 8th:

to enforce fair conduct on the part of labourers and dealers,

appealing when requisite to the Magistrate:

Clause 3d.—And if public dealers or labourers should refuse to furnish their services for public purposes, as provided in Section XVIII. Clause Ist, the district Police officer may in cases of emergency enjoin compliance, and, on complaint of the misbehaviour of servants, as adverted to in Section XVIII, Clause 2d, shall require fair and resonable conduct, and in the event of disobedience in either instances, shall report the case to the Magistrate, or forward the offender to him if circumstances denote that interposition to such extent is required.

and to prevent illegal acts and force of any kind.

Clause 4th—Any intention to take forcible possession of property, or to renove or alter boundary marks, or to commit any other illegal act as adverted to in Section XVI, shall be met with prohibition from the district officer, and if necessary, the act shall be prevented by the same measures of binding over or conveying to the Magistrate, which he is directed to adopt, against persons thought likely to commit a breach of the peace, in the 3d Clause of Section XLIII.

all Police officers may demand public aid on certain occasions,

and those who withhold it may be sent to the Magistrate:

SECTION XLVI.—*Clause 1st.*—District or other Police officers are mutually to afford aid to support each other's lawful authority, which may also be demanded from individuals, as detailed in the three first Clauses of Section XXXI, and persons witholding it, may be seized and conveyed to the Magistrate to be proceeded with as therein stated.

the district Police officer may also demand military aid direct in emergent cases,

reporting the same:

Clause 2d.—If Military aid be required, the Magistrate will apply for it, but, if the occasion be so emergent as to induce the district Police officer to request immediate assistance from any troops which may be at hand, he shall immediately report the same with a detail of all circumstances to the Magistrate.

SECTION XLVII.—The district Police officer shall furnish to the Magistrate any returns relating to the business of the department, which the latter may require; and he shall observe such forms and arrangement in keeping and forwarding records as the latter may direct.

he is also to furnish returns, and make official arrangements as directed by the Magistrate.

CHAPTER VI.

OF THE DUTIES OF THE VILLAGE POLICE OFFICER OR HEAD OF A VILLAGE, AND OF VILLAGE POLICE.

SECTION XLVIII.—*Clause.* 1*st.*—The village Police officer shall act in subordination to the Zilla Magistrate and Police officer of the district, in which the village may be situated: his official communications shall be held with the latter, unless the Magistrate find it more convenient to direct their being made to himself or one of his Assistants, in which case, such part of the following rules, as relates to making communications to the district Police officer, shall be applicable to the said Magistrate or Assistant:

The village Police officer to obey the distict Police officer and the Magistrate:

his communications being made as directed by the latter.

Clause 2*d.*—The village Police officer shall have authority to employ all revenue servants belonging to the village, each in his respective capacity, to aid in performing the duties described in the sequel, it being the particular duty of those employed in keeping the revenue accounts, to frame all written returns and proceedings for the Police officer: he may also demand aid from individuals, provided it be not of a nature inconsistent with religious usages, and he may seize any person refusing to afford it, and convey him to the district Police officer, who, if satisfied that the aid was refused, will proceed as if such denial had been made to his own requisition:

The village Police officer has under him as Police officers the subordinate revenue servants.

and may demand aid from the community, and forward to the district Police officer those who withhold it:

Clause 3*d.*—The village Police officer shall furnish such returns relating to the business of his department, and adopt such form in his communications as may be called for by the district Police officer, with the immediate authority of the Zilla Magistrate: he shall keep the district Police officer well informed of the state of Police in the limits of his village, the state and efficiency of the Police establishment, and all matters connected with the above, and he shall execute any process issued for that purpose by the Zilla Magistrate or district officer.

he is to furnish authorized returns and communications to the district Police officer,

afford all useful information,

and execute orders:

SECTION XLIX.—*Clause* 1*st.*—The village Police officer shall have authority to punish trivial cases of abuse or assault, provided the trial be held within eight (8) days after the act was committed, by confinement in any suitable place for a period not exceeding twenty-four (24) hours:

also to punish trivial offences:

Clause 2*d.*—The proceedings in such cases shall be verbal, and held in the presence of the parties, and persons refusing to attend or give evidence, may be seized and conveyed to the district officer, to be dealt with as directed in the 2d Clause of the preceding Section; but it shall always be obtional with the complainant to withdraw the complaint and make private compromise:

his proceedings how regulated and witnesses how compelled to give evidence.

the complaint may be at any time withdrawn;

Clause 3*d.*—The names of the parties, the alleged offence, and the punishment, acquittal, or withdrawing the complaint, shall be recorded with their respective dates, and forwarded monthly to the district officer, for transmission to the Zilla Magistrate.

monthly record required.

SECTION L.—*Clause* 1*st*.—The village Police officer shall apprehend and convey to the district officer any person within the limits of the village, whom he may have reason to suppose to have committed elsewhere any penal act, or within the said limits any such act of a nature more serious than those which he is himself authorized to punish; he shall also forward, with the offender, all persons who may be capable of giving evidence respecting the same, and articles which may have been stolen, or are required to be produced in elucidation;

offenders to be apprehended, and with all information procured forwarded to the district Police officer:

Clause 2*d*

CHAPTER VI.

witnesses to be summoned and examined, and stolen articles searched for and seized under certain Regulation,

Clause 2d.—In order to ascertain the above points, the village officer shall have authority to call and examine witnesses, and search for concealed articles, observing that such search be not made in a dwelling house between sun-set and the ensuing sun-rise without urgent occasion, and that by every means consistent with the object in view, intrusion on domestic and religious privacy be avoided, and further, that a house belonging to a person of any of the higher clases of society be not searched, except on order by the district Police officer or higher authority; and, in order to effect the seizure of offenders, the village Police officer shall be competent, when necessary, to call on the establishments of adjacent villages to co-operate with him.

the Police of other villages assisting in case of need:

persons withdrawing assistance, or otherwise offering obstruction, may be sent to the district Police officer,

Clause 3*d.*—Persons who may refuse to assist, attend, or give evidence, or who may obstruct a search or other process, shall be seized and conveyed to the district officer, who, if satisfied of the fact, shall deal with them, as if the same had occured in a case before himself:

no person being detained for more than twenty-four hours.

Clause 4*th.*—The transmission of a prisoner shall be not delayed for a longer period than twenty-four (24) hours, unless, for indispensable reasons, which must be reported forthwith to the district officer.

absconding offenders to be immediately reported to the district Police officer,

SECTION LI.—*Clause* 1*st.*—If an offence be committed within the limits of the village, the perpetrator whereof has escaped, or is not known, the village officer shall investigate the matter, and forward immediate information with all procurable evidence to the district officer.

and pursued throughout the British jurisdiction until apprehended.

Clause 2*d.*—And perpetrations of offences, who may escape from the limits of the village wherein the same may have been committed, shall be pursued throughout the British jurisdictions, all village officers being enjoined to give mutual aid on such occasions, and, when such perpetrators are seized, they shall be conveyed to the district officer, within whose jurisdiction their apprehension has been effected.

When a person dies, or a corpse is found under suspicious circumstances, an inquest must be held and the result recorded,

SECTION LII.—*Clause* 1*st.*—If a person should die under circumstances which afford suspicion that death has been unlawfully occasioned, or a corpse be found, the village Police officer shall forthwith assemble an inquest, to be composed of three or more creditable persons belonging to the village, who shall investigate the causes and circumstances; and make a written report of the same, which the village officer shall forward to the district officer to be used during ulterior proceedings as evidence:

and transmitted to the district Police officer,

and a person unduly refusing to give aid may be sent to the district Police officer.

Clause 2*d.*—And any person refusing to perform the above duty shall be seized and conveyed to the district officer, who if satisfied of the fact, will deal with the offender as if the denial had been made to his own requisition:

whose permission shall be obtained before the corpse is disposed of.

Clause 3*d.*—The village Police officer shall also, if possible, delay the burning or burial of the corpse, until the permission of the district Police officer is obtained.

Offences to be prevented by apprehending the party who meditates them, and sending him to the district Police officer.

SECTION LIII.—*Clause* 1*st*—If the village officer has reason to suppose that any person meditates, or is likely to commit an assault, to take forcible possession of property, to alter boundary marks without the consent of those concerned, or to commit any other penal act, he shall apprehend such person, by the same means as above prescribed for seizing offenders, and convey him to the district officer:

who is also to be apprized of suspicious disposal of property,

Clause 2*d.*—He shall report to the district officer all instances which may come to his knowledge of property being disposed of or valuable articles altered in such way as indicates that they have been unlawfully acquired:

or other matters affording ground of distrust.

Clause 3*d.*—He shall also so report instances which may come to his knowledge of individuals adopting habits connected with a predatory or desperate course of life, and of their leaving their homes for supposed hostile purposes, or assisting in any way individuals who have acted as above described:

CHAPTER VI.

All stray animals and property to be secured by the village Police officers and reported.

Clause 4th.—He shall take charge of stray animals, and property found without an owner, reporting the same to the district officer, and disposing of them as he may direct:

and the village Police establishment to be employed in the best way, and any misconduct duly made known.

Clause 5th.—And he shall dispose of the village establishment so as to afford the utmost possible security against robbery, assault, and acts injurious to the community, and report to the district officer all instances of misconduct or neglect committed by any part of the said establishment.

APPENDIX A.

(See Section III, *Clause 5th.)*

Form of oath to be taken by the Zilla Magistrate and his Assistants.

I, A. B. appointed (Magistrate *or* First, Second and so forth, Assistant to the Magistrate, *as the case may be)* of the zilla of——do solemnly swear, that I will, to the best of my ability, preserve the peace of the said zilla; that I will act with impartiality, and integrity, and will not exact or receive directly or indirectly, or knowingly permit any person under my control, or in my service, to exact or receive, directly, or indirectly any fee, reward, or emolument whatever, in the execution of, or on account of any matter relating to the duties of my office, excepting such as the orders of the Governor in Council do or may expressly authorize; and that I will perform the duties of my office, according to the best of my knowledge, abilities, and judgement, conformably to the Regulations that have been, or may be passed by the Governor in Council.

So help me God.

(Signed) A. B.

(Date.)

Magistrate,

or

First, Second &c. Assistant to the Magistrate.

APPENDIX B.

(See Section V.)

Commission to be issued to a District Police Officer not employed in the Revenue Department.

Magistrate's Seal.

To (insert the officer's name and that of his father.)

You are hereby appointed Police officer for (insert the name or boundary of the district) and invested with authority for the purpose of aiding the Magistrate in preserving the peace, preventing offences, apprehending offenders, and promoting the welfare of the community at large in that district. You are to perform these duties in the manner prescribed in the Regulations, carefully superintending the conduct of subordinate Police officers.

(Date.) (Magistrate's Signature.)

REGULATION XII A. D. 1827.

APPENDIX C.

(See Section VI, *Clause 1st.)*

Commission to be issued a village Police officer.

Magistrate's Seal.

To (insert the officer's name and that of his father, with his caste or profession,) of (insert the name of the village.)

You are hereby appointed Police officer for the village of (insert the name of the village and the purgunna or division in which it may be situated) and are vigilantly to preserve the peace thereof, to apprehend offenders, and prevent offences therein, to follow carefully such instructions as may be issued by the Magistrate or the district officer, and employ the village establishment in its respective duties; all which you will perform in the manner directed in the Regulations, an extract from which is herewith furnished to you.

Date.) (Magistrate's Signature.)

APPENDIX D.

(See Section XI. *Clause 2d.)*

Form of Summons for the attendance of a person charged with an Offence.

To——— Inhabitant of ——

Whereas you stand charged with the crime of——, you are hereby required to appear (in person *or* by vakeel) before me at my Kutcherry at——on or before the——day of——to answer to the said charge. Herein fail not.

Dated the——day of——A. D.——

corresponding with (insert the native date.)

Signature of the Magistrate or Assistant to the Magistrate.

APPENDIX E.

(See Section XIII, Clause 1st.)

Form in which the Zilla Magistrate is to communicate sentences to be executed by the Criminal Judge.

To A. B.

Criminal Judge of (insert the name of the Zilla.)

The undermentioned Convict is herewith delivered to your custody, to undergo the Sentence herein stated.

Convict's Name.	Offence of which convicted.	Sentence.

Date.) (Magistrate's Signature.)

APPENDIX F.

(See Section XIII, Clause 2d.)

Form of Proclamation to announce the extention of a Zilla Magistrate's penal juridiction.

Whereas (here recite the reasons which have led to the extention of

Zilla

Zilla Magistrate's powers) it has in consequence appeared expedient to the Governor in Council, that the Magistrate of the Zilla of (insert the name of the Zilla) should be vested with powers to adjudge the following punishments, either singly or combined, according to the Regulations for offences committed, viz. (here recite the punishments,) this proclamation is therefore issued agreeably to Section XIII. Regulation XII A. D. 1827. for the purpose of conferring the above recited powers on the said Magistrate of the Zilla of (insert the name of the Zilla) and of giving public intimation of the same.

(Date,) (Signature of the Secretary to Government.)

APPENDIX G.

(See Section XIII. Clause 3d.)

Form of proclamation to announce that the Zilla Magistrate is invested with power to make commitments for trial before a Court of Circuit.

Whereas, (recite the reasons for investing the Magistrate with the said power) it has in consequence appeared expedient to the Governor in council that the Magistrate of the Zilla of (insert the name of the Zilla) should be vested with power to commit for trial before a Court of Circuit the perpetrators of offences which that tribunal is accustomed to try, this proclamation is therefore issued aggreably to Section XIII. Regulation XII. A. D. 1827, to confer the said power and give public intimation of the same.

(Date.) (Signature of the Secretary to Government.)

APPENDIX H.

(See Section XXIV, Clause 1st.)

Form of recognizance bond.

Whereas I (insert the name of the party, and if the party be a male, the name of his father, also his cast and profession, if the party be a female, the name of her husband, if married, and of her father if unmarried) have been required by (insert the authority before whom the process is made) to (insert the act which is to be performed or refrained from), I hereby engage to act according to the said requisition, and in failure thereof to forfeit to the Sirkar the sum of (insert the amount) being aware that, if such payment be not made, I shall be liable to be imprisoned in the Criminal Jail for a period of (insert the period.)

(Date.) (Signature of the party.)

Executed before me

(Signature of the authority before which executed.)

APPENDIX I.

(See Section XXIV, Clause 3d.)

Form of security bond.

Whereas A. B. (insert the party's name, caste and profession) inhabitant of——has been required by (insert the authority before which the bond is executed) to furnish security for (insert the act to be performed or refrained from) therefore I *(or we)* (insert the names, castes, and professions) residing at——engage on the part of the said A. B. that he will act as above required: and that, if the said A. B. fail in the said condition, I *(or we)* will forfeit to the Sirkar the sum

sum of Rupees——*to be exacted from either of us or from both or all of us jointly* (this to be inserted if there be more that one security in the same bond) being aware, that, if I (*or we*) fail to pay the abovementioned sum, I (*or we*) subject myself (*or* ourselves) in lieu thereof to imprisonment for the term of (insert the period) in the criminal jail of the Zilla.

It is to be understood that I (*or we*) am (*or are*) at liberty to release myself (*or* ourselves) at any time from the future consequences of this security bond, provided that its conditions shall not then have been infringed, by delivering up the said A. B. to the said (insert the authority taking the bond) or giving thereto information by which his apprehension is effected, and stating my (*or our*) wish to be so released.

(Date.) (Signed) By the security or securities.

Executed before me,

(Signature of the authority before which executed.)

APPENDIX J.

(See Section XXXVIII, Clause 2d.)

Form of proclamation to be made previous to attaching the property of a fugitive.

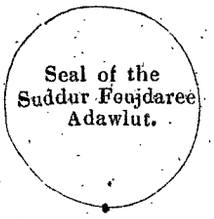
Whereas (insert the name of the party, his residence, and any denomination by which he may be generally known, or such description as will suffice to identify him) has been charged with, (insert the offence) this is to give notice that his attendance before (insert the authority and its station) is required within (insert the period) from the date hereof; and if he do not attend accordingly, his property will be attached by virtue of Regulation XII, A. D. 1827, Section XXXVIII.

(Date.) (Magistrate's Signature.)

APPENDIX K.

(See Section XXXIX, Clause 2d.)

Form of proclamation to be made previously to the banishment of a fugitive.



Whereas A. B. (insert his age, a description of his person, caste, and profession, or so much of these as is known) supposed to be an inhabitant of (insert the place) is charged with *barhurwutaee* and (insert any other offence which the party may be accused of) he is hereby required to deliver himself up to the Magistrate at (insert the station) within two months from the date hereof.

And if he do not so deliver himself up, he will be under sentence of banishment for life from the Zilla *(or* Zillas) of (insert the name or names) and on appearing in any part thereof, will be liable to be imprisoned for life by virtue of Regulation XII, A. D. 1827, Section XXXIX.

(Signature of the Register to the Court of Sudder Foujdaree Adawlut.)

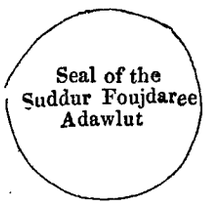
(Signature of the Magistrate.)

(Date at which the proclamation is published to be inserted by the Magistrate.)

APPENDIX L.

(*See Section XXXIX, Clause 4th.*)

Form of a certificate for recall of a sentence of banishment.



Whereas A. B. (insert the same particulars which were mentioned to identify the party in the proclamation of banishment) was banished from (insert the places) by a proclamation dated (insert the date).

This to give notice, that the said sentence of banishment is recalled, and the said A. B. will not be proceeded against in consequence of the said sentence, if he should return to the said places.

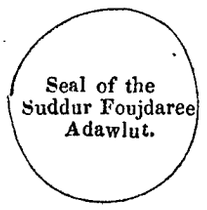
(Signature of the Register to the Court of Sudder Foujdaree Adawlut.)

(Date)

APPENDIX M.

(*See Section XLII, Clause 1st*)

Form of proclamation to anounce that a District Police Officer's penal jurisdiction is extended.



Whereas (here recite the reasons which have led to the extension of the district Police officer's authority) it has in consequence appeared expedient to the Governor in Council that the Police officer of the district of (insert the district) should be vested with powers to adjudge the following punishments, either singly or combined, according to the Regulations for offences committed, viz. (here recite the punishments) and to try cases of (here recite, as far as may be practicable, the offences cognizable by him) and the Court of Sudder Foujdaree Adawlut has been directed to anounce the grant of the above recited powers to the said Police officer of the district of—— in the mode prescribed by Regulation XII, A. D 1827, Section XLII: this proclamation is therefore issued for the purpose of conferring the above recited powers on the said Police officer of the district of—— and of giving public intimation of the same

(Signature of the Register to the Court of Suddur Foujdaree Adawlut.)

(Date.)

(Branch of Criminal Judicature,)

REGULATION XIII. A. D. 1827.

A REGULATION *for defining the constitution of Courts of Criminal Justice, and the functions and proceedings thereof.*—PASSED *by the Governor in Council on the* 1*st of January* 1827, *corresponding with the* 4*th Poush Sood Sumbut or Vikramajeet Era* 1883, *Salbahan* 1748, *and* 2*nd Jummadyool Akhir* 1242 *of the Hijree.*

Consisting of seven (7) Chapters, as below:

NUMBER OF CHAPTER.	TITLE.	COMMENCING SECTION.
I.	*Functions of Criminal Justice, and establishment of Courts for its administration.*	I.
II.	*Of the duties of the Criminal Judge*.....	XII.
III.	*Of the functions of the Court of Circuit, and duties of the Criminal Judge as connected therewith*.....	XVI.
IV.	*Of the duties of the Special Court*.....	XXIV.
V.	*Of the duties of the Court of Sudder Foujdaree Adawlut*.....	XXVII.
VI.	*Rules for procuring, taking, and recording evidence, and for the conduct of trials by Criminal Courts*.....	XXXIV.
VII.	*Of the Jail, and of the custody and treatment of prisoners*.....	XLII.

(Branch of Criminal Judicature.)

REGULATION. XIII. A. D. 1827.

A REGULATION *for defining the constitution of Court of Criminal Justice and the functions and proceedings thereof.*—PASSED *by the Governor in Council, on the* 1*st of January* 1827, *corresponding with the* 4*th Poush Sood Sumbut or Virkramajeet Era* 1883, *Salbahan* 1748, *and* 2*nd Jummadyool Akhir* 1242, *of the Hijree.*

Preamble,

WHEREAS it is expedient, with the view of facilitating the correct discharge of their important duties by the judicial authorities, and of promoting the interest of the community at large, that the rules for the administration of criminal justice should be so framed and arranged, as to be capable of easy ascertainment and speedy reference, and that they should therefore be combined in one enactment upon the subject, of Criminal Justice to contain provisions regarding the functions of criminal justice and the establishments for its administration, the general duties and powers of the Criminal Judge, those of the Court of Circuit, of the Special Court, and of the Sudder Foujdaree Adawlut, the procuring, taking and recording evidence, and conducting trials, the treatment of prisoners, and the execution of sentences, the following rules have therefore been enacted to have effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose.

CHAPTER I.

FUNCTIONS OF CRIMINAL JUSTICE, AND ESTABLISHMENTS OF COURTS FOR ITS ADMINISTRATION.

Functions of criminal justice.

SECTION I.—*Clause* 1*st.*—The functions of criminal justice are to conduct the trials of persons accused of crimes and serious offences, and to maintain adherence to regulations made for the said purpose, and for the guidance of Magistrates and Police Officers in general:

to be performed by the Sudder Foujdaree Adawlut, Special Court, Court of Circuit, and Criminal Judge.

Clause 2*d.*—These functions shall be performed by the Supreme Criminal Court denominated the Court of Sudder Foujdaree Adawlut, the Special Court, the Court of Circuit, and the Criminal Judge, according to the rules enacted for each respectively; offences of a political nature as described in Regulation XIV, A. D. 1827, Chapter III, being tried by the Special Court exclusively.

The Sudder Foujdaree Adawlut has supreme criminal jurisdiction:

SECTION II.—*Clause* 1*st.*—The Supreme Criminal Jurisdiction over the territories subject to the Presidency of Bombay, in which Zilla Courts may be established, shall be vested in the Court of Sudder Foujdaree Adawlut:

is stationed at the seat of the Sudder Dewanee Adawlut: is composed of its Judges and has also its officers.

Clause 2*d.*—This Court shall be situated at the same place and composed of the same Judges as the Court of Sudder Dewanee Adawlut, the officers of which (both European and Native) shall perform also in the Criminal Court their respective functions, in the discharge of which they shall be subject to the same rules and responsibility as in their civil capacities, and the denomination and rank of each Judge, or Officer, shall correspond with that which he bears in the Civil Court.

seal of the Court:

SECTION III.—*Clause* 1*st.*—The Court shall use a Circular Seal two inches and a quarter in diameter, on which shall be incribed in the English, Mahratta, Guzeratee, and Persian languages and characters "*The Sudder Foujdaree Adawlut of Bombay.*"

oaths of its Judges,

Clause 2*d.*—Each Judge shall, previously to exercising any of the functions of his office, take and subscribe before the Governor in Council, or in open Court, the oath described in Appendix A, and each Register and Assistant Register shall, previously to entering on the functioms of his office, take and subscribe in open Court, the oath

and officers,

described

described in Appendix B, and each law or ministerial officer, whose functions require qualification by solemn declaration in his civil capacity, shall take and subscribe in open Court a similar declaration, except that his designation shall be made to correspond with that borne in the criminal court.

and securities of the Nazir.

Clause 3*d.*—The Nazir shall also furnish security in the same way as enacted to be done in his civil capacity, and it is not intended to prohibit the same persons from being bound for him, in both the civil and criminal departments.

The Special Court for trying state offences,

SECTION IV.—*Clauses* 1*st.*—A Special Court of Justice may be assembled at any place required, by order from the Governor in Council, to try charges of crimes against the state:

to be composed of three Judges: their selection and rank,

Clause 2*d.*—Such Courts shall be composed of three Judges, to be selected by the Governor in Council from among the Judges of the Sudder Foujdaree Adawlut and Zilla Judges, and they shall be denominated "*Chief*," "*Second*" and "*Third Judge*," according to their seniority in the Civil Service: Judges of the Sudder Foujdaree Adawlut however ranking above any others and according to their seniority in that court:

The establishment of the Criminal Judge officiates as that of the Special Court:

Clause 3*d.*—The Assistants on the establishment of the Criminal Judge of the Zilla in which the Special Court may be assembled shall, if required, officiate as Registers and Assistant Registers, according to their respective ranks, in the Special Court; and all officers of the said establishment shall also perform their respective functions in the said court,

oaths of the Judges,

Clause 4*th.*—Each Judge shall previously to entering on the functions of his office, take and subscribe before the Governor in Council, or any person commissioned by him to administer it, the oath described in Appendix A, and each Register or Assistant Register shall take and subscribe in open Court the oath contained in Appendix B,

and officers,

and every ministerial or law officer, whose functions in the Criminal Court of the Zilla require qualification by oath or declaration, shall make and subscribe before the Special Court a corresponding oath or declaration.

The Court of Circuit for the trial of heinous offences not being against the state,

SECTION V.—*Clause* 1*st.*—There shall be a Court of Circuit, for the trial of crimes and serious offences, exclusive of crimes against the state held in each Zilla by any of the Puisne Judges of the Sudder Foujdaree Adawlut in rotation: the Sessions of the said court shall,

held by the Judges of the Sudder Adawlut in rotation,

unless otherwise directed, be held at the Sudder Station of each Zilla,

at the Sudder station of each Zillah unless when when otherwise directed;

but if Government should issue special directions to such effect, the court may sit elsewhere within any Zilla, for the trial of one or more cases, or all the cases belonging to such Zilla, the Sudder Foujdaree Adawlut may also, under the rules contained in Section XXX. Clause 3d. recommend to Government the issue of such directions.

in the Surat Zillah quarterly,

Clause 2*d.*—The Sessions for the Surat Zilla shall be quarterly, commencing on the 1st January, 1st April, 1st July and 1st October

and elsewhere half yearly;

in each year; and in other Zillas half yearly, the tours commencing on the 1st of March and 1st of October in each year.

but deviations allowed as directed by Government and by the Sudder Adawlut.

Clause 3*d.*—But, it shall be competent to the Court of Sudder Foujdaree Adawlut to cause a tour of Circuit, or Sessions, at any particular Zilla except Surat, to take place (according to the rules for the ordinary Sessions) intermediately to the half-yearly Sessions, the same, when directed by the Court, being reported, with the reasons for it, to the Governor in Council; and for sufficient cause the order for rotation may likewise be broken at the discretion of the Court or by order from Government.

the sanction of Government being in some cases necessary.

The establishment of the Criminal Judge officiates as that of the Court of Circuit,

SECTION VI.—*Clause* 1*st.*—The ministerial and law officers (whether European or Native) on the establishment of the Criminal Judge at each Zilla, shall, if required, officiate in their respective capacities in the Court

Court of Circuit held in that Zilla, under the denominations and with the qualifications prescribed to be adopted with respect to a Special Court in the 3rd and 4th Clauses of Section IV.

each individual duly qualifying himself.

Clause 2*d.*—The Court of Circuit shall use a Circular Seal, two inches and a quarter in diameter, bearing the following inscription, in the English, Persian, Mahratta and Goozeratee languages and characters, "*The Court of Circuit for Bombay.*" This Seal shall remain in the custody of the Judge on Circuit during his tour, and shall then be lodged with the Register of the Sudder Foujdaree Adawlut.

The Court's seal,

remains on circuit with the Judge, and is afterwards deposited in the Sudder Adawlut.

SECTION VII.—*Clause* 1*st.*—There shall be a Criminal Court in each Zilla, for the trial of crimes and offences of a less heinous nature than those reserved for the Sessions of the Court of Circuit, and it shall be held by the Zilla Judge under the denomination of Criminal Judge: the ordinary seat of this Court shall be at the Sudder Station, but it shall be competent to the Criminal Judge, on procuring the sanction of the Sudder Foujdaree Adawlut, to hold the Court in any part of the Zilla.

Court of the Criminal Judge.

usually at the Sudder Station, but may be held elsewhere if sanctioned by the Sudder Adawlut.

Clause 2*d.*—Previously to exercising any functions of his office, the Criminal Judge shall take and subscribe before the Governor in Council, or any person commissioned by that authority to administer it, the oath contained in Appendix C, and he shall also take and subscribe before any competent authority, the oath of qualification, as one of Her Majesty's Justices of the Peace.

Oath of the Criminal Judge,

and his qualification as Justice of the Peace.

Clause 3*d.*—The Criminal Judge shall use a Seal one inch and three quarters in diameter, bearing in the English language and character, and also the language and character most used in the Zilla, the following inscription "*The Criminal Court of the Zilla of*——."

his seal;

SECTION VIII.—*Clause* 1*st.*—The Assistants to the Zilla Judge shall officiate in their respective ranks, as Assistants to the Criminal Judge; they shall aid in the administration of criminal justice, under the rules contained in the succeeding Chapter, and use the Seal of the Criminal Judge: previously to discharging the functions of their offices, they shall take and subscribe before the Criminal Judge, in open Court, the oath contained in Appendix C.

his Assistants;

their oaths;

Clause 2*d.*—In case of a Criminal Judge being absent or deceased, without an arrangement for the discharge of his duties having been made by Government, the Assistant of highest rank on the spot shall take charge of, and conduct the said duties, except that he shall not pass any sentence beyond the extent to which he is authorized, in his capacity of Assistant.

the Assistant of highest rank supplies the place of the Criminal Judge when absent,

without exceeding his proper jurisdiction.

Clause 3*d.*—The ministerial and law officers of the Civil Court shall officiate in their respective capacities in the Criminal Court also: and such of them as may be required to make declaration, or to furnish security, in order to qualify them for discharging their civil functions, shall, before commencing their duties in the Criminal Court, execute and enter into corresponding qualifications with the requisite alteration in the designation of the Court.

The officers of the Civil Court belong also to the Criminal Court.

and are in like manner qualified;

Clause 4*th.*— But, if the extent, or nature of the business to be performed by any ministerial officer, be such as to render it inconvenient for him to be employed in both the civil and criminal capacities, their shall be no bar, to appointing separate individuals, to perform the duty in the two capacities, they being duly qualified as described in the preceding Clause, and distinguished by prefixing the term "*Civil*" or "*Criminal*" to their designations respectively, which shall, in nowise, alter their situation, as to responsibility to the rules enacted for such officers in the civil branch of the code.

but the offices may be kept distinct for convenience.

Criminal Courts may always sit, except on certain specified days.

SECTION IX.—*Clause* 1*st.*—Courts of Criminal Justice shall be kept open for transaction of business on all days, except Sunday, and those specified in Appendix D, and such other days as may be specified in the list of local holidays required by Regulation III, A. D. 1827, Section 1, Clause 3rd, to be publicly notified:

and on those also for good reason.
and process taking place on those days is legal.

Clause 2*d.*—But it is not intended to preclude the transaction of business on the days above excepted, when there may be urgent occasion; nor to consider as illegal, any process, on the ground of its having taken place upon those days.

Misconduct of native officers of Criminal Courts punishable as in the department of Civil Justice,

SECTION X.—Negligence or breach of duty, bribery, extortion, and generally all acts of abuse or misapplication of authority, or other misconduct committed by any Native officer on the establishment of a Criminal Court shall be noticed and punished in the same manner, as enacted respecting such Officer in his civil capacity in Regulation II, A. D. 1827, Sections VI and XXV, and Chapter III, and a sentence passed under any of the above quoted enactments, shall not preclude any other prosecution, civil or criminal, to which the Offender may be liable.

and further prosecutable civilly and criminally.

Criminal Courts have authority to take recognizance or security, and to punish contempts.

SECTION XI.—All Judges of Criminal Courts and Assistants to Criminal Judges, shall have authority to bind persons by recognizance, or security, under the Rules on the subjects contained in Regulation XII, A. D. 1827, Sections from XXIV to XXVII, both inclusive, to perform, or forbear from matters within the province of the Court to enjoin or forbid; they shall also be competent to punish such conduct committed in open Court as constitutes disturbance, opposition to the Court's legal authority, or insolence, by fine or ordinary imprisonment without labour, or both, provided that the culprit be not confined for a longer period than (2) months in the whole, and that if the sentence were passed by a Junior Assistant, it shall be enforced by the Criminal Judge as approved by him on revision.

CHAPTER II.

OF THE DUTIES OF THE CRIMINAL JUDGE.

Reference to the Criminal Judge's police duties.

SECTION XII.—*Clause* 1*st.*—Such part of the Criminal Judge's duties as relates to the Police of the Sudder Station is comprized in Regulation XII. A. D. 1827.

The Criminal Judge tries offences and adjudges punishment within certain limits.

he commits the offender for trial by the Court of Circuit, if severer punishment is required,
and also in peculiar cases with the sanction of the Sudder Adawlut:

Clause 2*nd.*—The Criminal Judge shall have authority to try crimes and offences committed within his Jurisdiction, and to adjudge punishment for the same within the limits specified in the succeeding Section, and if it appear that any criminal act, which there is reason to believe has really been committed, require a degree of punishment beyond the said limit, he shall commit the offender to be tried by the Court of Circuit: Provided always, that if a case should occur, which, from any peculiarity in the circumstances, the Criminal Judge may consider, though not requiring severer punishment than he is authorized to adjudge, yet proper to be brought before a different or higher tribunal, he may report the same with his reasons to the Sudder Foujdaree Adawlut, which will instruct him whether to proceed with the trial or commit the offender to be tried by the Court of circuit.

delegates cases to his Assistants,

who when necessary refer them for final Judgement to the Criminal Judge,

Clause 3*rd.*—The Criminal Judge shall have authority to delegate to his Assistants the trial of offences, and also the adjudging of punishment within the limits specified as applicable respectively to Assistants, in the succeeding Section, and when on a trial it shall appear to an Assistant, that an offence requires a degree of punishment beyond the limit which he is authorized to adjudge, he shall refer the case to the Criminal Judge.

Clause 4*th*.—The Criminal Judge shall always have authority to take into his own hands the trial of cases which may have been delegated to his Assistants, to review their proceedings, and to mitigate or annul, but not to enhance their sentences; he shall also be empowered to employ his Assistants in the preparation of cases for trial by himself, and generally in the execution or superintendence of any duties of the department.

and he may also recall such cases and review proceedings,

and employ his Assistants in preparing cases, or in other parts of his duties, at his discretion.

Clause 5*th*.—The Criminal Judge shall execute warrants and precepts, and conform to instructions issued by the Court of Circuit, Special Court, or Sudder Foujdaree Adawlut, under authority of the Code of Regulations, and he shall make such preparations for the Sessions of Courts of Circuits and Special Courts, as are directed by the enactments on those subjects.

Warrants, precepts &c. of the superior Courts to be obeyed,

and preparations for their sessions made by the Criminal Judge,

Clause 6*th*.—The Criminal Judge shall receive complaints, made against any persons whomsoever, in matters for which the ordinary course of law does not afford a mode of obtaining redress: he shall investigate them summarily in such manner as he has the means of doing, and if satisfied that there exist reasons for any further measures being adopted, shall report the case to the Governor in Council.

general complaints also to be heard and enquired into by him,

and if thought reasonable reported to Government.

Clause 7*th*.—The Criminal Judge shall report to the Governor in Council all convictions, which may take place before himself or a Court of Circuit, of acts in breach of the prohibitions in Regulation XIV, A. D. 1827, Sections XXX and XXXI against the Slave Trade.

as also breaches of the prohibitions against the slave trade.

SECTION XIII.—*Clause* 1*st*.—The punishments which the Criminal Judge is authorized to inflict, are as follows;

The Criminal Judge's penal jurisdiction;

Solitary imprisonment for a period not exceeding six (6) months:

solitary imprisonment six months;

Ordinary imprisonment with hard labour, for a period of seven (7) years.

imprisonment and hard labour seven years;

Flogging to the extent of fifty (50) stripes:

flogging fifty stripes;

Public disgrace, fine, and personal restraint:

disgrace, fine, and personal restraint;

These punishments may be awarded either singly or combined, except that whatever period of imprisonment may be assigned, in commutation for fine, is to be included in the limitation of seven (7) years.

alone or combined;

Explanation as to imprisonment,

Clause 2*nd*.—If the Criminal Judge shall pass a sentence, whereby a prisoner is liable to imprisonment for more than two (2) years, he shall, previously to executing it, refer the case, with copies of all the evidence and statements, to the Court of Sudder Foujdaree Adawlut, which shall have power to confirm, mitigate, or annul the sentence, and, if the sentence be confirmed either wholly or in part, a warrant for execution shall be issued by the said Court.

sentences for more than two years' imprisonment.

to be referred to the Sudder Adawlut,

And enforced as confirmed.

Clause 3*rd*.—The punishments to be adjudged by a Senior Assistant, shall not exceed the following limits:

The senior Assitant's penal Jurisdiction:

Ordinary imprisonment, with hard labour, for a period not exceeding two (2) years:

ordinary imprisonment, and hard labour for two years,

Flogging (for theft only) to the extent of thirty (30) stripes:

flogging (for theft only) thirty stripes,

Fine, to be limited by the period of imprisonment assigned in commutation not exceeding two (2) years:

fine limited by imprisonment,

Disgrace and personal restraint:

disgrace and personal restraint,

These punishments may be inflicted singly or combined, except that whatever period of imprisonment may be assigned in commutation for fine is to be included in the limitation of two (2) years:

explanation as to imprisonment.

CHAPTER II.

Government may by notice render the penal jurisdiction of a Senior Assistant equal to that of the Criminal Judge,

Clause 4th.—But, it shall be competent to the Governor in Council, for special reasons, to enlarge the authority of a Senior Assistant, as specified in the preceding clause, to any extent not exceeding the authority of the Criminal Judge, by means of an order addressed to the Assistant on whom the authority is conferred, and forwarded to him through the medium of the Criminal Judge, notice being at the same time given by Government to the Court of Sudder Foujdaree Adawlut:

and imprisonment for more than two years must then be confirmed by the Sudder Adawlut.

Clause 5th.—In which case the provisions of Clause 2d of this Section shall become applicable to the said Assistant, the exercise of whose extended powers shall also continue subject to the control of the Criminal Judge as specified in Clause 4th of Section XII, or elsewhere.

Penal jurisdiction of a Junior Assistant,

Clause 6th.—The punishments which a Junior Assistant is authorized to adjudge, shall not exceed the following limits:

imprisonment for two months,

Ordinary imprisonment without labour for a term not exceding two (2) months;

fine as limited by imprisonment,

Fine limited by the period of imprisonment assigned in commutation never exceeding that just specified:

Personal restraint,

Personal restraint:

alone or combined,

These punishments may be inflicted singly or combined, except that whatever period of imprisonment may be assigned in commutation for fine, is to be included in the limitation above specified.

explanation as to imprisonment.

Minute book of the Court,

SECTION XIV.—*Clause 1st.*—A minute book of daily proceedings in the language of the Zilla shall be kept by the Criminal Judge and his Assistants; it shall contain a reference by number, letter, or other convenient mark, to every document produced before, or issued by the Court, which may have been received, or used officially, and shall narrate at large all such proceedings, orders, and information respecting business transacted by the Court, as may not be contained in the said documents; the narration shall be made in the order in which the matter thereof may have occurred, and each day's proceedings shall be authenticated by the signature of the Criminal Judge or Assistant, who held the Court:

to refer to,

of contain all documents,

In order,

and to be signed each day,

Clause 2d.—The documents belonging to each case (or copies thereof, if it may have been necessary to dispose otherwise of the originals,) shall, be kept separate, and they shall, as well as petitions and miscellaneous papers, be arranged, with such reference to the minute book and the day book described in the ensuing Clause, as may best facilitate their production when required.

documents and cases to be preserved distinct and in order,

and delivered over in due time to the record-keeper.

Clause 3d.—The exhibits mentioned in the preceeding Clause shall be delivered by the Serishtadar to the Record-keeper, so soon as their immediate use in Court can be dispensed with, and with them an inventory thereof, which shall be signed by the Record-keeper and returned to the Serishtadar: the Record-keeper shall enter in a day book the denomination of every exhibit with its mark; such as belong collectively to the same case, shall be so classed, and in every case the date of the information being first laid, and of judgement being passed, and the names of the parties shall be recorded.

who will pass his receipt and duly record them,

periodical reports to be furnished to the Sudder Adawlut, with the sanction of Government.

Clause 4th.—The Criminal Judge shall transmit to the Court of Sudder Foujdaree Adawlut such periodical reports relating to the business transacted in his department as that court Court may call for, under the immediate instructions of Government.

The execution of warrants, precepts &c. to be endorsed on the instrument which is then to be sent to the Sudder Adawlut.

SECTION XV.—*Clause 1st.*—The execution of every warrant and precept issued by the Court of Sudder Foujdaree Adawlut, or Circuit, shall be certified, with the mode in which it was performed, by endorsement on the instrument, which shall then be transmitted to the Court of Sudder Foujdaree Adawlut, a copy being also deposited on the Criminal Judge's records.

and when a prisoner is transferred, his warrant duly endorsed accompanies him, and alone certifies regarding him.

Clause 2*d.*—When a prisoner under sentence is transferred by the Criminal Judge to the custody of another officer, the warrant shall be delivered with him, and on it shall be endorsed the extent of punishment already inflicted at the time of such transfer; a copy shall be deposited in the Criminal Judge's records, and it shall be the part of the officer, under whose custody the sentence is completed, further to endorse the warrant, as directed in the preceding Clause:

except he be sent to Bombay, when the Magistrate's receipt of him is equivalent to final execution.

Clause 3*d.*—But when, in the execution of a sentence of transportation the prisoner and warrant are forwarded by the Criminal Judge under the provisions of Regulation XIV, A. D. 1827, Section V. Clause 1st, to any officer not subordinate to the Sudder Foujdaree Adawlut, a copy of the receipt of such officer shall be forwarded by the Criminal Judge to the Sudder Foujdaree Adawlut, as a final return regarding the disposal of the prisoner.

CHAPTER III.

OF THE FUNCTIONS OF THE COURT OF CIRCUIT, AND DUTIES OF THE CRIMINAL JUDGE AS CONNECTED THEREWITH.

Duties of the Judge on Circuit, to try prisoners.

SECTION XVI.—*Clause* 1*st.*—The Judge on Circuit shall try all prisoners who may be brought before him for that purpose, at the commencement, or during the continuance of the Sessions, and conduct such investigations as may be confided to him by the Court of Sudder Foujdaree Adawlut, or by the Court of Sudder Dewanee Adawlut, according to the provisions contained in the 3d. Clause of Section VI, Regulation II, A. D. 1827, for trial of certain public officers:

and conduct investigations confided to him by the Sudder Adawlut:

to inspect Criminal Judge's and Magistrate's proceedings, and notice errors.

Clause 2*d.*—He shall have authority to examine and investigate cases tried in the Criminal Judge's and Zilla Magistrate's departments, to notice to the officer concerned, erroneous Judgements, and to forward cases, if necessary, to the Sudder Foujdaree Adawlut, for revised decision under Section XXIX, Clause 4th; he shall also inspect the whole proceedings and arrangements of the said departments, and notice any infringement, or injudicious application of the law, or remisness in duty, by writing his sentiments to the officer concerned (who shall duly attend thereto), or to the Sudder Foujdaree Adawlut or both, as the case may require.

as may be required.

to visit the jails.

Clause 3*d.*—The Judge on Circuit shall visit the Civil and Criminal Jails, for the purposes mentioned in the preceding Clause:

and rectify the practice of the Civil Court,

Clause 4*th.*—He shall also be empowered to inquire into, and notice, as above described, arrangements and forms of procedure which relate to the Civil Court of the Zilla.

to receive and attend to all complaints on criminal matters, and generally, of importance.

Clause 5*th.*—He shall receive and attend to all complaints and representations connected with the administration of Criminal Justice and Police, or the general welfare of the district.

The Judge on Circuit may direct a Magistrate or Criminal Judge to inquire into any matter, and certify his proceedings in consequence:

SECTION XVII.—*Clause* 1*st.*—If it shall appear that the Criminal Judge or Zilla Magistrate, or any officer subordinate to either of them, has failed to take due cognizance of any matter brought before him, the Judge on Circuit shall have authority to cause the same to be done, and, if deemed expedient, a return to be made, specifying the mode in which it is performed, by written order addressed to the head of the respective department.

he may also reduce or annul penalty bonds.

Clause 2*d.*—The Judge on Circuit shall have authority to reduce the amount of any penalty or security bond taken or demanded in the Criminal of police department, or to annul the same altogether; his order being issued in writing to the head of the respective department.

CHAPTER III.

orders by a Judge on Circuit may be obeyed without responsibility.

Clause 3*d.*—In all matters not expressly placed at the discretion of the Judge on Circuit by enactment, wherein he may recommend in writing a deviation from the practice or proceeding adopted, the Criminal Judge and Zilla Magistrate may either comply therewith without incurring responsibility, or, if they see objections, may state them in writing to the Judge on Circuit, and request him to refer the matter for decision to the Court of Sudder Foujdaree Adawlut, which the Judge on Circuit, if he is not convinced by the objections, shall accordingly do.

but on request made to the Judge on Circuit a reference may be obtained to the Adawlut.

A prisoner committed for trial before the Court of Circuit to be duly apprized of the charge against him with all details which shall be recorded.

SECTION XVIII.—*Clause* 1*st.*—When a prisoner is committed to be tried at the Sessions, the Criminal Judge shall inform him thereof stating at the same time to the prisoner the precise act for which he is committed, as well as the manner how, and the time at which it is alleged to have been perpetrated, all which shall be recorded fully on the proceedings.

the prisoner's evidence shall be asked for at the commitment, and at any other suitable time, and held in readiness.

Clause 2*d.*—The Criminal Judge shall be careful to ascertain from the prisoner what evidence he may desire to adduce on his defence, and to hold it in readiness, this inquiry shall be made at the time of commitment, as well as at any subsequent time, when it may seem conducive to completeness in the investigation, and it shall be recorded with its result on the proceedings.

The Judge on Circuit to give at least fifteen days' previous notice of the Sessions,

SECTION XIX.—*Clause* 1*st.*—The Judge on Circuit shall give at least fifteen (15) days' notice to the Criminal Judge of the time, when the Sessions is to commence; on receipt of which the Criminal Judge shall acquaint the Zilla Magistrate, and these officers shall cause a

and proclamations to be made.

proclamation in the form of Appendix E. to be made in the districts under their respective charge, and report in writing to the Judge on Circuit, when he arrives, the execution of this duty, with the places at which it was performed.

The Criminal Judge to deliver to the Judge on Circuit.

Clause 2*d.*—The Criminal shall deliver to the Judge on Circuit at the commencement of the Session, the following documents.

the cases for trial,

The cases for trial, comprising all details.

a calendar of persons for trial,

A calender of persons committed, or held to bail, according to the form of Appendix F:

additional calendars,

If additional cases should occur for trial during the Sessions, they shall be in like manner delivered, the requisite matters being entered in a suplemental calendar, or so many as may be convenient; which shall be distinguished by numbers.

translation of proceedings in each case,

A translation into English of the Criminal Judge's proceedings in each case, and with it shall be delivered every exhibit made, or produced before him, which contains evidence relevant to the case:

calendar of persons not appearing, though bound to do so,

with translated extracts from the records:

A calendar of such persons, as having been bound over, or enjoined to appear at the Sessions, may nevertheless not be in attendance; it shall be in the form of Appendix G, and shall be accompanied by an extract (translated into the English language) from the Criminal Judge's proceedings in the case of each such person, shewing how and why he was so bound or enjoined, and any measures that may have been taken to insure his attendance.

periodical reports of the Criminal Judge and Magistrate to be made up for inspection by the Judge on Circuit,

Clause 3*d.*—The Criminal Judge and Zilla Magistrate shall make up the periodical reports, which are required for transmission to the Sudder Foujdaree Adawlut, to the period at which the Sessions is to commence, and hold them in readiness for the inspection of the Judge on Circuit, whenever he may desire it; they shall also submit to his

and copies of any part of their records to be furnished.

inspection, or furnish him with copies of whatever part of their records he may require.

Clause 4*th*.—The Criminal Judge shall hold in attendance at the Sessions all parties and witnesses concerned in the cases to be tried according to the rules contained in the Regulations, and he shall, if required, furnish the Court of Circuit with a translation in the English language of any document on his records.

The Criminal Judge to hold in attendance all parties and Witnesses.

and to furnish a translation of any document.

SECTION XX.—*Clause* 1*st*.—The Court of Circuit, when sitting at the Sudder Station of any Zilla, shall be held in the Zilla Court-room; when sitting in any other part of the Zilla, it shall be held as arranged under the directions of Government for the occasion: in either case the Criminal Judge shall execute the requisite measures for the convenience and accomodation of the Court and dispatch of business.

The Court to be held in the Zilla Court Room,

or elsewhere, under specific arrangement and the directions of the Criminal Judge.

Clause 2*d*.—Beside the authority conferred in Section XI to punish contempts of Court, the Judge on Circuit may, in such cases, cause the Criminal Judge (by written order) to enforce the infliction of corporal punishment, not exceeding twenty five (25) stripes, on the offender.

Enlarged authority of the Court of Circuit to punish contempts.

Clause 3*rd*.—In the case of a person bound, or enjoined to appear at the Sessions being absent, the enforcement, either wholly or in part, of any penalty or punishment to which he or his sureties may thereby be liable, shall be at the discretion of the Judge on Circuit, as well as the measures to be subsequently taken; also, the Judge on Circuit shall be empowered to direct security to be taken for any prisoner's good behaviour, all which shall be executed by the Criminal Judge, according to the written order of the Judge, on Circuit.

to enforce penalties,

and order security to be taken.

by written injunction,

Clause 4*th*.—If the Judge on Circuit requires any additional evidence to be adduced in a case before him, or matter which he is desirous to investigate, or any alteration in the forms or arrangements of the business of the Sessions, he shall procure it by a written order on the Criminal Judge.

as well as to procure evidence

or alteration in the arrangement for dispatch of business.

SECTION XXI.—*Clause* 1*st*.—The forms of conducting and recording trials by the Court of Circuit, shall be the same as prescribed in Chapter VI of this Regulation, for Criminal Courts in general, with the following exceptions;

The rules or trial are as in Chapter VI, with a few exceptions,

Minutes of proceedings, corresponding as nearly as may be found convenient with the record prescribed to be kept by the Criminal Judge in Section XIV, shall be kept by the Judge on Circuit, in the English language:

minutes of proceedings on the records are in English.

Pleas, confessions, and defences, and generally all assertions made by prisoners on trial, require to be recorded not otherwise than by the Judge duly entering them in his record of proceedings:

Prisoner's statements are entered on the record.

If it should appear, during a trial, that the charge with which it commenced is not applicable to the case, the Judge on Circuit shall be empowered to direct the Criminal Judge, by a written order, to commit the prisoner on any charge which he may deem expedient.

when the charge is incorrect, the prisoner to be remanded to the Criminal Judge, that it may be amended.

Clause 2*nd*.—With reference to Clause 3d, of Section XXXVIII, it is to be understood, that it is not incumbent on the Court to wait for evidence which the prisoner has omitted to mention before the Criminal Judge, unless the prisoner can satisfactorily explain the omission.

Prisoner's evidence not before named need not be waited for if the ommission is not explained.

Clause 3*rd*.—The Judge on Circuit shall pass sentence on each prisoner convicted, to the extent prescribed in the Regulations; but, if the punishment be death, transportation, or imprisonment for life, it shall not be executed until confirmed by the Court of Sudder Foujdaree Adawlut: sentences which do not include any of the just specified punishments, shall be notified to the Criminal Judge by warrants in the form of Appendix H, and immediately executed; those which

Sentences passed by the Judge on Circuit to be communicated by warrant to the Criminal Judge and immediately executed, except in cases of death, transportation, or perpetual imprisonment,

when confirmation by the Sudder Adawlut is required.

which require to be confirmed by the Sudder Foujdaree Adawlut shall be so explained to the prisoners, and notified to the Criminal Judge by warrants in the form of Appendix I, according to the tenor of which, the Criminal Judge will keep the prisoners in custody until receiving the final warrant.

Sentences on the same prisoner may be combined,

Clause 4th.—If a prisoner be convicted in more cases than one at the same Sessions, the sentences may be combined in one warrant.

a trial may be postponed twice,

but not longer delayed,

SECTION XXII.—*Clause. 1st.*—The trial of a case, or of any particular prisoner in a case, may be postponed to the next Sessions: by written order to the Criminal Judge, if circumstances material to the decision should require delay. A second similar postponement may be made for the same reason, but decision shall not be further protracted.

and peculiar cases may be referred to the Sudder Foujdaree Adawlut,

Clause 2nd.—If the Judge on Circuit meet with a case, which from doubt in the application of law, or other sufficient cause, he may consider expedient to be decided by the Court of Sudder Foujdaree Adawlut, it shall be competent to him after completing the trial, to refer it accordingly without passing sentence; he shall apprize the prisoner of the reference, and notify it in writing to the Criminal Judge, who will keep the prisoner in custody until his disposal be ascertained by warrant or order from the Sudder Foujdaree Adawlut.

The records of all trials to be sent to the Sudder Foujdaree Adawlut.

SECTION XXIII.—*Clause 1st.*—The Judge on Circuit shall forward to be deposited with the records of the Sudder Foujdaree Adawlut, his minutes of proceedings in all trials with the exhibits therein referred to, as well as all official documents furnished to him: the transmission shall be made so soon as he can dispense with the use of them.

Each case referred shall be accompanied by a letter:

Clause 2d.—Each case referred for confirmation, or decision to the Sudder Foujdaree Adawlut, shall be accompanied by a letter stating the same, and containing any remarks, explanation or opinion which the Judge may consider it expedient to introduce.

all other papers shall also be transmitted.

Clause 3d.—Official correspondence, copies of orders, petitions, and miscellaneous records shall be transmitted to the Sudder Foujdaree Adawlut above described, unless their subject, by being referred to in the report described in the succeeding Clause, renders it convenient to forward them therewith.

and a full report in all matters of importance to the public welfare to be made.

Clause 4th.—At the expiration of each tour of Circuit, the Judge shall forward to the Sudder Foujdaree Adawlut, a report on the state of police in the several zillas, where he has held Sessions, which shall contain such remarks as he may have to offer respecting the trials which he has conducted, the state of the Civil, Criminal, and Police establishments, and the condition and morals of the people; and it shall also convey any suggestions he may desire to offer, with a view to ameliorate their condition or habits, or promote in any way the public welfare.

CHAPTER IV.

OF THE DUTIES OF THE SPECIAL COURT.

The Special Court tries state offences.

SECTION XXIV—*Clause 1st.*—The Special Court shall try persons charged with offences of a political nature as defined in Regulation XIV. A. D. 1827, Chapter III:

to assemble where directed by Government,

and continue assembled until dissolved by the same authority:

Clause 2d.—The members shall assemble at the place directed by the Governor in Council, the Court shall be held in the Zilla Court-room, or such other place as may be prepared by the Criminal Judge of the Zilla, under instructions from Government, and shall continue assembled until dissolved by order from Government:

the majority decides, but the dissentient member may record his opinion.

Clause. 3d.—In case of difference of opinion, the decision shall be regulated by the majority, but the dissentient member shall be entitled to enter a minute of his sentiments in the proceedings.

Clause 4th

Clause 4th.—If any one of the members should be prevented by death, or other cause, from attending (after the Court has been completed) the other two shall be competent to conduct the business in all points on which they agree, without waiting for the vacancy to be filled up, but the Court shall immediately report the vacancy to the Governor in Council.

If one member is absent two concurring may proceed.

reporting the vacancy.

SECTION XXV.—*Clause 1st.*—The custody of prisoners, attendance of witnesses, and production of evidence, shall be provided for by the Criminal Judge in the same manner as for Courts of Circuit, and returns corresponding with those specified in Clause 2d Section XIX, of this regulation, shall also be furnished by the Criminal Judge.

The Criminal Judge assists the special Court as he would the Court of Circuit.

Clause 2d.—The provisions for procedure enacted for the Court of Circuit, in the 3d and 4th Clauses of Section XX, and the 1st and 2d Clauses of Section XXI, shall be applicable to the Special Court.

Proceedings in certain points the same as those of the Court of Circuit.

SECTION XXVI.—*Clause 1st.*—If a prisoner be found guilty, the Court shall decide on such sentence as may be prescribed by the Regulations, and forward to the Governor in Council the whole of its proceedings in each case, with translations into English of every exhibit which may have been used as evidence.

If the prisoner is found guilty, the Court, after deciding on a Sentence, reports the case in full to Government.

Clause 2d.—The Governor in Council shall thereupon confirm, mitigate, or annul the sentence, as shall appear to him fit, and communicate the same to the Special Court, which shall then pass sentence accordingly in open Court, and (if punishment be finally adjudged) shall issue a warrant for execution thereof to the Criminal Judge, in the form of Appendix J, and the warrant shall thereafter be executed in the same manner as if issued by a Court of Circuit:

by whom such sentence as is deemed fit is confirmed, and thereafter passed.

and if requisite a warrant issued to the Criminal Judge.

Clause 3d.—If a prisoner be acquitted, the Court shall forward its proceedings, as directed in the 1st Clause of this Section, and proceed to other business, or break up, as instructed.

If the prisoner is acquitted the proceedings are reported and further instructions awaited.

CHAPTER V.

OF THE DUTIES OF THE COURT OF SUDDER FOUJDAREE ADAWLUT.

SECTION XXVII. *Clause 1st.*—The Court of Sudder Foujdaree Adawlut shall superintend the administration of Criminal Justice and Police, with a view to maintain correct application of the laws and orders issued on those subjects:

The Sudder Adawlut superintends Criminal Justice and Police.

Clause 2d.—It shall revise trials and investigate matters referred to it, according to the Regulations, and pass final sentence or order thereon:

revises trials and conducts investigations.

Clause 3d.—It shall observe and bring to the notice of Government defects in the laws, and methods of improving them.

observes and reports defects in the laws and their remedies:

Clause 4th.—It shall furnish information to Government of the state of Police and Criminal Justice in each Zilla, of offences from their prevalence or atrocity requiring particular notice, the increase or decrease of crime, and the causes of either fact, the state of the Jails, and the efficiency and activity of the official establishment: it also shall keep Government acquainted with the effects produced by the law, the condition of the people, and generally all matters concerning the public welfare.

describes the state of police and criminal Justice.

increase or decrease of crimes:

the Jails:

Judicial establishments:

the effects of the law, and the general condition of the people.

SECTION XXVIII.—*Clause 1st.*—Two Judges shall constitute a court, but, if they differ in opinion, the matter shall be deferred, until it can be brought before a court composed of a greater number of Judges:

Two Judges are a Court but if they differ, a third must attend.

Clause 2d.—If more than two Judges are present, decisions shall be made according to the opinion of the majority, but, if the opinions are equally divided, the Senior Judge shall have the casting vote.

the majority decides, and in case of equality the senior has a casting vote:

The Judge of Circuit's opinion is however a vote,

Clause 3*d*—A Puisne Judge, who may have referred any matter while on circuit to the court, is not to be thereby precluded from voting, if he be present, and if not present, any sentence that he may have passed, or opinion that he may have recorded, is to be taken as a vote; which in the case supposed in clause 1st of this Section, shall be sufficient to determine the majority without deferring the question, and in the case supposed in clause 2d, shall be sufficient to determine either a majority or equality, as if the said Puisne Judge were present.

and a single Judge may act ministerially.

Clause 4*th*—A single Judge shall be competent to administer oaths, record petitions, or perform any act which does not involve deliberation, nor amount to passing any discretionary order or decision.

The Sudder Adawlut may call for any document from a Criminal Judge or Magistrate.

a Copy being substituted on the records:

SECTION XXIX.—*Clause* 1*st*.—The court of Sudder Foujdaree Adawlut shall have authority to call for any record, or copy of it, from the Criminal Judge's or Zilla Magistrate's departments, and if an original paper be required, a copy thereof shall be substituted in the office from whence the original is furnished, with an endorsement, referring to the order of the Sudder Foujdaree Adawlut.

also for reports with the sanction of Government if periodically required:

Clause 2*d*.—The Court shall have authority to call for returns from the Criminal Judge's and Zilla Magistrate's departments on any subjects respecting which it may desire information, but, if the said returns be required periodically, the sanction of the Government shall be first obtained.

also for evidence, or,

the attendance of any person.

Clause 3*d*.—The Court shall have authority to cause the Criminal Judges or Zilla Magistrates to take such evidence, or make such inquiries on any subject before it, as may be desired, and to serve and enforce any summons (which shall be in the form of Appendix K,) which it may issue for the attendance before the Court of any person, to give evidence in a matter within its cognizance, as well as to fix within the limits specified in Section XXXIV, clause 1st, the penalties for default of attendance, and cause them to be levied.

fixing the penalties for failure and causing them to be enforced:

it may also mitigate or annul any sentence or order of a Criminal Judge or Magistrate:

also any penalty bond so imposed, precept being duly issued and a return made:

Clause 4*th*.—The Court shall have authority to mitigate or annul, but not to commute any sentence or order passed in the Criminal Judge's or Zilla Magistrate's department, and to remit or mitigate any penalty incurred or demanded in those departments, of the nature of bail, recognizance, or security, in which cases the order of the Court shall be communicated by a precept under the seal of the Court, and signature of the Register, and shall be returned when executed with an endorsement certifying the same, a copy being kept in the respective department:

The Court may also cause an investigation to be instituted, a penalty bond to be passed:

Clause 5*th*.—The Court shall have authority to cause the Criminal Judges and Zilla Magistrates to take cognizance of any matter, or to demand any bail, recognizance, or security, according to the Regulations:

Sentence and order of the Court in contempts and other matters to be executed:

Clause 6*th*.—The Court shall have authority to cause the Criminal Judge of the Zilla in which it is stationed, to execute any punishment it may award for contempt of Court, under the provisions of Section XI, or to hold in custody any person who may have become liable to confinement in the course of any proceeding:

all irregularities and improprieties may further be noticed by the Court.

Clause 7*th*.—The Court shall also be empowered to notice deviations from the Regulations or from instructions issued in conformity thereto, or negligence, or impropriety in the discharge of official duties committed by any officer in the Criminal Judge's or Zilla Magistrate's department, and to express its sentiments on the subject to the head of the department, or, through his medium, to any subordinate officer: and, if any officer in the said departments should wilfully disobey an order issued in conformity with the Regulations by the Court of Sudder Foujdaree Adawlut, the said Court shall represent the same to Government.

and disobedience of its orders is to be reported to Government.

The Court may entrust an investigation to the Judge on Circuit.

SECTION XXX.—*Clause* 1*st*.—The Court of Sudder Foujdaree Adawlut shall be authorized to delegate the investigation of any matter within its cognizance to a Judge on Circuit, to depute him to take any specified evidence, to issue instructions at his direction to a criminal Judge or Zilla Magistrate, respecting ulterior procedure in any matter within the said Court's cognizance, or to pass a decision on any such matter the same not exceeding the ordinary jurisdiction of a Court of circuit:

and appoint extra tours and sessions.

Clause 2*nd*.—When the Court shall deem it expedient that an extra Sessions at any Zilla shall be held, it shall forthwith report its opinion, and the grounds of it, to the Governor in Council, and shall issue instructions to the respective criminal Judges to make the requisite preparations:

Obtaining the consent of Government in certain cases.

Clause 3*d*.—When the Court deems it expedient that a Court of circuit shall sit elsewhere than at the Sudder station of any zilla, the consent of Government shall be obtained previously to issuing instructions to the Criminal Judge, and the application shall state, what preparations for the accommodation of the Court and despatch of business are required, which shall be conducted by the Criminal Judge according to the sanction of Government, and an authenticated copy of any communication on the subject addressed by Government to the Court of Sudder Foujdaree Adawlut shall be a sufficient voucher to any Officer concerned therein.

One session may be dispensed with *if there is* no case for trial.

Clause 4*th*.—If at the usual period of circuit, there be no case ready for trial at any particular Zilla, it shall be at the discretion of the Court of Sudder Foujdaree Adawlut to dispense with the Judge on Circuit visiting that Zilla; but, if this should again occur at the next period of Circuit, the Zilla shall be visited as usual.

The Court may review all proceedings of Courts of Circuit:

some cannot be altered, others may be altered by Government, and others by the Court.

Clause 5*th*.—The Court of Sudder Foujdaree Adawlut shall have authority to examine and conduct investigations on all orders whatever passed by a Judge on Circuit, the records of the Court of Circuit placed at its disposal under Clause 1st of Section XXIII, being hereby declared at all times open to its inspection and use equally with its own: of the said orders, rewards conferred by Regulation XII of 1827, Sections XXXII and XXXIII, and pardons directed to be offered by virtue of Clause 3rd. of Section XXXIV of the same Regulation, shall remain undisturbed, sentences for contempt of Court, passed under Section XI or the 2nd Clause of Section XX, and sentences passed without reference to the Sudder Foujdaree Adawlut according to Clause 3rd of Section XXI, may be annulled or mitigated by the Governor in Council to whom the Sudder Foujdaree Adawlut may under the following Section recommend such proceeding, and all other of the said orders may be annulled, or mitigated by the Sudder Foujdaree Adawlut at its direction.

The Court may recommend to Government to annul. or mitigate final sentence

SECTION XXXI.—*Clause* 1*st*.—When the Court of Sudder Foujdaree Adawlut shall consider any sentence, which the Court cannot annul or alter, to require to be mitigated or annulled, whether as an act of mercy or justice, it shall represent the case with all particulars to the Governor in Council, specifying its opinion as to whether the punishment should be remitted wholly or in part, and it shall have authority to suspend, as may be practicable, the execution of such sentence by written order to the Officer in whose custody the prisoner may be, until the final decision of Government be made known:

and Government may mitigate, or annul all sentences.

Clause 2d.—In the event of such recommendation, the Governor in Council, reserving to himself the full power of granting pardons, or mitigating sentences, but not of commuting them otherwise than by substituting imprisonment or transportation for death, will furnish the requisite directions to the Court of Suddur Foujdaree Adawlut, which shall forthwith issue a warrant for execution thereof:

with or without such recommendation.

Clause 3d.—The Governor in Council also reserves to himself full power to grant indemnities, pardons, or mitigations, as described in the preceding Clause, in all cases whatever wherein he may deem it expedient, execution whereof shall be done through the medium of the Sudder Foujdaree Adawlut, as therein directed.

The Court to keep Minute Books.

SECTION XXXII.—*Clause 1st.*—The Court of Sudder Foujdaree Adawlut shall keep records of its proceedings in the same form as are prescribed for the Criminal Judge in Section XIV, a separate minute book being kept for the business relating to each Zilla.

separate for each Zilla.

Warrants for execution of sentences, and notifications, how issued.

Clause 2d.—Warrants issued by the Sudder Foujdaree Adawlut for the execution of sentences passed by the said Court, or in the event of pardon or mitigation of punishment granted by the Governor in Council, shall be respectively in the forms contained in Appendix L, and when a prisoner is acquitted by the Sudder Foujdaree Adawlut, the same shall be notified by a precept directed to the Criminal Judge, under the seal of the Court and signature of the Register.

The Court to furnish Government with all information required:

SECTION XXXIII.—*Clause 1st.*—The Court of Sudder Foujdaree Adawlut shall furnish to the Governor in Council, as directed, returns and informations on any subject within its cognizance; also copies of its proceedings, or any documents on its records:

also periodical returns.

Clause 2d.—It shall also forward to the Governor in Council such periodical returns, relating to the business transacted by it, or by any subordinate Court, as may be directed by the said authority:

and general reports.

Clause 3d.— There shall also be forwarded with the returns described in the preceding Clause, a report analogous to that prescribed to be made by each Judge on Circuit, in Clause 4th of Section XXIII, which shall further specify the period employed in each of the Circuits, with the nature and extent of any injury that may appear to have been occasioned by the detention of persons as witnesses at the Sudder Stations.

CHAPTER VI.

RULES FOR PROCURING, TAKING, AND RECORDING EVIDENCE, AND FOR THE CONDUCT OF TRIALS BY CRIMINAL COURTS.

Attendance of witnesses, and production of articles procured by summons.

SECTION XXXIV.—*Clause 1st.*—When any Criminal Court, except the Sudder Foujdaree Adawlut, for which a particular mode is enacted, requires any person to give oral testimony, or produce any article in his possession as evidence, it shall issue a summons under its seal and signature, containing the name of the said person, the purpose for which his attendance is required, and the time and place at which he is to attend; if immediate attendance be not enjoined, the summons shall also specify, if the measure be thought requisite, that the witness must pass a recognizance or security for his appearence, in default of furnishing which, he shall be brought before the Court, which will either bind him over as just stated, or keep him in custody, if it appear necessary; the amount to be inserted in the recognizance or security bond shall be stated in the summons, as well as a period of imprisonment in commutation, which shall in no case exceed two (2) years, and the bonds shall be in the form of Appendices M, and N, respectively:

with recognizance or security if required.

to be executed by the Nazir.

Clause 2nd.—If the witness is to be found within the jurisdiction of the Court, an order shall be written on the summons addressed to the Nazir, or any other officer of the Court, to serve and execute it (which if necessary, may be done by force) and a written return shall be endorsed thereon by the officer, shewing how the summons was executed, or why it was not: but, if the witness is not to be found within the jurisdiction, the Court shall forward the summons to the Magistrate in whose juridiction he may be, with a letter explaining the exigency

or if the individual be in another jurisdiction, forwarded to the proper Magistrate.

exigency of the case, and pointing out where the witness is to be found, and the said Magistrate shall proceed to execute it, and endorse the result, as above directed to be done by the officer of the Court: in either case the summons shall be returned to the Court by the period specified in it, whether executed or not:

who will take proper measures to make a fit return.

Clause 3*d*.—A Magistrate, to whom a summons has been forwarded for execution, may, if he see sufficient cause, either reduce or increase the amount of penalty or period of imprisonment stated in the summons, specifying his reasons for the same in his return, and it shall be competent to a Court, or to the Magistrate above-mentioned, when the attendance of a public officer in permanent official employ, or of an individual of known respectability and prudent demeanour, is required, to notify the same to him by written order or letter, and take no other security, than his returning the same with an endorsement, signifying his aquiescence:

altering penalties if he sees cause.

and penalties in certain cases are not required.

Clause 4*th*.—If a witness should happen to be in Court during a trial without having been previously summoned, he may forthwith be put on his examination.

a witness in Court may be at once examined.

Clause 5*th*.—In case of its being expedient to admit the evidence of an accomplice, the Court shall be authorized to grant the same conditions as are placed at the discretion of a Magistrate in Regulation XII, A. D. 1827, Section XXXIV:

and an accomplice, may be admitted by the Court as a witness.

Clause 6*th*.—In the event of illness rendering it dangerous for a witness to be brought into Court, or personal considerations rendering it disreputable for a female to appear there, the Court may commission any trustworthy person to take the evidence at the witness's residence; but in the latter case the Court may always require the attendance of the witness in Court for sufficient reason, due care being taken to provide screens, or such other mode of concealment as is necessary to prevent her being publicly seen: the Court may also, at its discretion, dispense with the attendance in Court of a man of rank, and may cause his evidence to be otherwise taken:

Witnesses who cannot appear in open Court may be examined apart.

Clause 7*th*.—A deposition made before a competent authority by a witness who may have died before the final trial takes place, shall be considered valid at such trial, though liable to such deduction from the weight which it would otherwise be held to possess, as the impossibility of further questioning him may suggest.

The deposition of a person since dead is valid, but subject to reasonable deduction.

Clause 8*th*.—Penalties incurred by the non-appearance of witnesses shall be levied and executed by order of the Court before which the case is ultimately tried, which shall always have authority to mitigate them.

Penalties for non-appearance leviable at discretion by the trying Court.

Clause 9*th*.—A witness, who may be obliged to leave his home, shall be entitled to an allowance for subsistence, while so detained, not exceeding a quarter of a rupee per day, which shall be paid by the Collector to the order of the Court.

Subsistence allowed to witnesses detained from their homes.

SECTION XXXVI.—*Clause* 1*st*.—The competency of witnesses shall be determined according to the rules on that subject laid down in Regulation IV, A. D. 1827, Section XXXIII.

The competency of witnesses the same as in civil suits.

Clause 2*d*.—Oral testimony shall be committed to writing as prescribed in the succeeding Section, and, if any irrational animal or inanimate object is produced in elucidation of the case, the same shall be carefully identified, and the connexion, which it bears to the subject of investigation shall be shown in the recorded testimony, or in the minutes of the authority before whom it was produced.

oral testimony to be committed to writing, and animals and articles produced, to be duly indentified and indicated.

SECTION XXXVI.—*Clause* 1*st*.—Every deposition shall contain, so far as can be ascertained, the following particulars: the name of the deponent, if a male, or unmarried female, the name of the deponent's father, if a married female, that of her husband, also the deponent's age, religion, sect, and profession:

Details required in a deposition:

name.

age, religion, sect, and profession:

It shall

CHAPTER VI.

the form of narrative or conversation may be used:

leading questions prohibited.

It shall be optional with the Court to record the statement in the form of questions and answers, or as a continued relation, but leading questions suggesting any particular answer, shall be carefully avoided:

oath or declaration inserted:

deponent's signature, and attestation of the Court:

The deposition shall further specify, whether the deponent is speaking on oath or otherwise: it shall be signed by the deponent, and authenticated, as sworn to, or declared, and also dated, by the Court:

oath to be administered at discretion:

Clause 2*d.*—Such oath to speak the truth as may be considered binding on the deponent's conscience, shall be administered previous to taking the deposition, unless for reasons to be entered on the record of proceedings, it should be deemed expedient to dispense with it; and in either case, the witness shall be admonished as follows: "*Be careful that you tell to the Court the whole truth, and nothing but the truth in the matter on which you are now to be examined, or otherwise you will be liable to punishment as a false witness:*"

admonition to tell the truth:

deposition to be read to the deponent, whose suggested alterations will be made,

Clause 3*d.*—Every deposition shall be read over to the witness previously to his signing it, and if he desire to alter any part thereof, the alteration desired shall be made, if it appear to the Court to be consistent with his original meaning and intention; otherwise the Court shall authenticate the deposition as first written, without taking the witness's signature, and proceed to take anew such deposition as the witness may desire, all which process shall be entered on the record of preceedings:

with exceptions:

contumacious refusal to give evidence punishable by the Court.

Clause 4*th.*—A witness shall not be required to state any matter, or produce any article criminatory of himself: if (with this exception) he refuse to make answer, or to conform to any rules respecting evidence, the Court shall commit him to be confined until he comply, and he shall also be liable to punishment for contempt of Court, according to Section XI.

Prisoners' statements recorded as depositions, but upon oath or compulsion.

SECTION XXXVII.—*Clause* 1*st.*—Statements made by prisoners, whether confessions, denials, or defences, shall be recorded in the same way as depositions, except in respect to oaths or declarations: if a prisoner refuse to affix his signature, or make answer, no methods of compulsion shall be resorted to, but the fact shall be so recorded on the proceedings and every confession made by a prisoner in a case, which is to be tried by a different Court from that in which it is made, shall be authenticated by the certification and signature of two competent persons present, who shall be held in attendance at the final trial.

and if not made before the trying Court to be duly witnessed:

confession before the trying Court suffices for conviction.

Clause 2d.—A prisoner's confession made before the Court in which he is tried shall be sufficient proof for conviction, provided that on having the evidence in the case (or such part of it taken before any competent authority, as if admitted to be true, would prove the charge) read over to him, he confirm the confession: but, if a prisoner's statement contain a confession of the charge against him jointly with exculpatory circumstances, the one shall not be acted on without the other, and confessions made before any authority different from that by which the trial is held, or before any individual, shall be deemed of weight according to the degree of corroboration they may receive before the Court.

but must be taken strictly as a whole,

and if made before any other authority will be estimated by the Court:

the prisoner may employ a pleader.

SECTION XXXVIII.—*Clause* 1*st.*—A prisoner shall be allowed to employ whomsoever he can procure as counsel, or pleader, on his behalf, but the prisoner's presence shall not thereby be dispensed with, nor shall the Court receive any pleading or assertion, except confirmed by the prisoner himself, nor record it otherwise than as made by himself.

but when addressed by the Court, must answer for himself:

Clause 2nd.—Evidence shall always be taken in presence of the prisoner, and if, from ignorance of the language in which it is given, or other cause, he has difficulty in understanding it, full explanation shall be given, and the privilege of examining witnesses shall also be open to him in its fullest extent:

all evidence to be delivered in the prisoner's presence, and explained to him if necessary and he may also cross-examine witnesses.

Clause 3d.—The prisoner shall always be called on for his defence, after the evidence for the prosecution has been completed, and any evidence, which he may point out for that purpose, shall be procured by the Court, and a reasonable period of time allowed:

make his defence, and adduce evidence, reasonable time being allowed.

Clause 4th.—The charge on which a prisoner is tried shall be distinctly stated to him, at the commencement of the trial: and he shall be furnished with any information he may desire at any time during the same, from the records of the Court, and if it shall appear during a trial conducted before a Criminal Judge, that the charge, with which it commenced, is not applicable to the case, a correct charge, shall be framed, and stated anew to the prisoner for his information, as to the object of investigation:

the charge shall be distinctly stated at the commencement.

and if altered in a case before the Criminal Judge the prisoner shall be informed

Clause 5th.—The provisions of Regulation IV. A. D. 1827, Section XXIV, for enabling Courts of Civil Justice in which Europeans preside, to avail themselves of the assistance of respectable Natives, in the trial of suits, by employing them as Members of a Punchaet, or as assessors or more nearly as a jury, the decision, however, being in all cases vested in the authority presiding in the Court, are applicable to Courts of Criminal Justice:

the Court may be assisted by respectable natives as in the trial of civil suits

Clause 6th.—When a prisoner is found guilty, the case shall be stated in writing to the proper law officer, who shall give a written answer, specifying the punishment which by the law of his faith is awarded to the offence proved: if the punishment should include mutilation, a term of imprisonment in commutation shall also be inserted at the rate of seven (7) years for the loss of a limb or feature, and the document shall be entered on the proceedings, as a record of the exposition of the law officer, but not (unless when so prescribed by enactment) for the purpose of directing the Court's judgment, which shall be according to the Regulations:

the law officer's opinion as to the punishment to be taken, but only when so enacted to be followed as the rule

Clause 7th.—All sentences shall be declared to the respective Convicts in open Court; and every prisoner, after being sentenced, shall be entitled to be furnished with a copy (authenticated by the Court) of the sentence, or of any document recorded as evidence on the trial:

sentences shall be passed in open Court and recorded and the prisoner may have a copy.

Clause 8th.—A prisoner shall at any time during a trial, be entitled to the benefit of putting in bail, instead of being committed to prison, when the same is consistent with the rules on that subject in Regulation XII, A. D. 1827, or in any other part of the code, and the conditions thereof shall be regulated by the Court in the manner prescribed for Magistrates.

and is also entitled to demand bail as permitted by law.

SECTION XXXIX.—If a deposition statement, or confession made before any police authority be forwarded as evidence in the case to another authority, it shall, if confirmed by the declarant before the latter authority, which shall duly authenticate such confirmation, be a sufficient exhibit, except in trials before a Court of Circuit, wherein every oral declaration shall be recorded afresh direct from the declarant.

Documents framed in preparatory investigations are sufficient exhibits in all trying Courts, except the Court of Circuit.

SECTION XL.—Nothing contained in this Chapter shall preclude a Court from procuring information otherwise than as therein described (the same not being allowed to operate towards conviction) for the purpose of discovering other evidence, which may be admissible in due form.

Formal intelligence may be procured, but shall not operate as evidence.

SECTION XLI.—Previously to setting a prisoner at liberty, whether he has been acquitted or committed, it shall be competent to the Court to forward the prisoner to the custody of the Magistrate of the respective

A prisoner set at liberty may be delivered over to the Magistrate, with all information for precautionary purposes.

respective Zilla, or that in which the prisoner usually resides, with a copy of such proceeding and evidence, as tend to prove the expidiency of adopting precautionary measures for his future conduct, in which case the Magistrate shall act according to his judgment.

CHAPTER VII.

OF THE JAIL, AND OF THE CUSTODY AND TREATMENT OF PRISONERS.

The Jail to be under the Criminal Judge, and the Nazir and Jailer to govern it as he directs.

SECTION XLII.—The Criminal jail of each *Zilla* shall be placed under charge of the Criminal Judge, and the jailer shall, under the immediate superintendence of the Nazir, maintain strict adherence to the rules and precautions enacted, or pointed out by the Criminal Judge:

the Civil Surgeon attends the prisoners.

Clause 2*d.*—The Civil Surgeon of the station shall attend the jail, and administer remedies to the sick:

who receive, at the expence of Government,

Clause 3*d.*—All persons confined in the Criminal Jail, shall be subsisted at the expence of Government; the allowance shall be regulated by the Criminal Judge, according to the prisoner's previous habits, but shall in no case exceed a quarter of a rupee daily, and it shall not be made in money, but food, unless the Criminal Judge see good reason, for allowing, as an indulgence, a small portion to be given in cash:

an allowance of food, and in some cases some money:

also clothing and other indispensable articles:

Clause 4*th.*—Such clothing and other articles as are absolutely necessary, shall also be furnished, at the expence of Government, according to the directions of the Criminal Judge.

The Criminal Judge to forward prisoners' petitions made to the Sudder Adawlut, and to visit the Jail once a month to redress grievances, and maintain proper management.

Clause 5*th.*—The Criminal Judge shall forward to the Sudder Foujdaree Adawlut the petitions of prisoners to that Court: he shall also, at least once in each month, visit the jail, or depute one of his Assistants on the duty, to redress grievances, to enforce attention to cleanliness, salubrity, and security, and to maintain a proper management in all respects.

Each prisoner is admitted into the Jail under an order signed and sealed.

SECTION XLIII.—*Clause* 1*st.*—When any person is committed to confinement, a written order under the seal of the Court, and signature of the Criminal Judge, or one of his Assistants, shall be issued to the Nazir; it shall mention the date of commitment, and whether the confinement is to continue until further orders, or for a specific period:

detaining any punishment or security directed, and the Nazir executes and makes returns.

Clause 2*d.*—If the prisoner is required to furnish security, or sentenced to undergo punishment, the same shall be detailed in the abovementioned order, and the Nazir shall cause it to be executed under the directions of the Criminal Judge, endorsing the time and mode of execution on the order:

reporting in like manner deaths and escapes.

Clause 3*d.*—If a prisoner die, make his escape, or be released in any manner which would not be shewn by the endorsement discribed in the preceding Clause, the Nazir shall certify the occurrence, and its date, in writing on the order:

after six months' confinement, a small sum may be given to a prisoner when released:

Clause 4*th.*—When a prisoner is released after having been confined six months or upwards, the Criminal Judge shall, if he sees sufficient reason, grant him a sum of money not exceeding one month's subsistence, at the rate mentioned in the 3d Clause of the preceding Section.

separation and classification of prisoners in support of morality and healthiness;

SECTION XLIV.—*Clause* 1*st.*—Male prisoners shall be kept separate from the females, the sick from those in health, those untried from convicts, and accomplices admitted as witnesses from all others, as also criminals under sentence of death.

and as dictated by justice.

Clause 2*d.*—So far as the capacity of the jail will admit, separate apartments shall be allotted for the following descriptions of prisoners:

Those sentenced to punishment of a greater degree than *Zilla* Magistrates are authorized to inflict:

Those committed to be tried by a Court of Circuit:

Those

Those sentenced to punishment within the degree which Zilla Magistrates are authorized to inflict:

Due regard shall also be paid in the suddivision of the above described classes to the relative atrocity of the crimes of prisoners.

Clause 3*d.*—The Criminal Judge shall make his arrangements with all possible regard to religious prejudices, that the prisoners may not be subject to causes of excommunication or contamination; and he shall, by every means consistent with security, alleviate the confinement of such as are not convicts, and protect them from the necessity of associating with persons of vicious or degraded habits, and with this view he may for sufficient cause remove a prisoner to the civil jail, if it can be done with due regard to safe custody. And humanity.

SECTION XLV.—*Clause* 1*st.*—Prisoners sentenced to hard labour, transportation, or death, shall be secured with fetters, which, as well as handcuffs, or stocks, may be used to secure prisoners of any other description if necessary: convicts under heavy sentences to be secured with fetters &c. and others in cases of necessity:

Clause 2*d.*—Any prisoner confined under a sentence which does not include hard labour, may (unless it be expressly forbidden in the warrant) be employed in such manufacture or other occupation, as can be performed under shelter, and does not require severe exertion, for a period not exceeding six hours each day: all convicts not expressly exempted may be employed in prison labour.

Clause 3*d.*—If a prisoner should refuse to perform labour lawfully required, he may be compelled by the means authorized in the ensuing section, except that stripes shall only be employed in the case of a prisoner sentenced to hard labour. resisting work may be punished;

SECTION XLVI.—*Clause* 1*st.*—The Criminal Judge shall be attentive to prevent drunkenness, gaming, and immoral, or disorderly conduct of any sort, within the jail: The Criminal Judge may punish misconduct of prisoners.

Clause 2*d.*—For the above purpose, as well as to punish attempts at escape, he shall be authorized to inflict on prisoners, misbehaving themselves, punishment of the following nature: by flogging, solitary confinement 15 days, confinement in the stocks, privation

Stripes:

Solitary confinement for a period not exceeding fifteen (15) days:

Ruduced allowance of food or conjee diet:

Confinement in stocks.

APPENDIX A.

(See Section III, *Clause* 2*d. and Section* IV, *Clause* 4*th.)*

Form of oath to be taken by a Judge of the Sudder Foujdaree Adawlut, or of a Special Court.

I, A. B. solemenly swear, that I will truly and faithfully execute the duties of { Judge of the Court of Sudder Foujdaree Adawlut, *or*, Judge of the special Court to which I an appointed, that I will administer Justice according to the Regulations in force, to the best of my ability, without fear, favour, or promise, or hope of reward, that I will not receive, directly or indirectly, nor permit any person under my authority so to receive, any present, either in money or in any other mode, on account of any matter which is, or has been, or is to be investigated or decided by, or brought before the said Court, or by, or before myself in any capacity, arising from my appointment in it, and that I will not derive any emolument from my office, except as authorized by Government.

So help me God.

Date. Singnature.

APPENDIX B.

APPENDIX B.

(See Section III, *Clause 2d. and Section* IV, *Clause 4th. and Section* IV *Clause 1st.)*

Form of oath to be taken by a Register or Assistant Register to the Court of Sudder Foujdaree Adawlut, Special Court, or Court of Circuit.

I, A. B. { Register / *or,* / Assistant Register } { to / the } { Sudder Foujdaree Adawlut, Special Court now assembled, / Court of Circuit now sitting, } solemnly swear that I will perform, truly and faithfully, the duties of the said office, to the best of my ability; that I will not receive, directly or indirectly, any present in money, or in any other mode, on account of any matter which is, or has been, or is to be investigated or brought before the said Court, and that I will not derive any emolument from my office, except as authorized by Government.

So help me God.

Date. Signature.

APPENDIX C.

(See Section VII. *Clause 2d, and Section* VIII, *Clause 1st.)*

Form of oath to be taken by a Criminal Judge or his Assistant.

I, A. B. appointed { Criminal Judge..... / *or* / Senior or 1st &c. Senior, / Junior or 1st &c. Junior, } { Assistant to / the Criminal Judge.. } of the Zilla of—, solemnly swear, that I will to the best of my ability, preserve the peace at the sudder station of the said Zilla, and decide on the matters brought before me, and perform the functions of my office with impartiality and integrity, according to the Regulations in force, and that I will not receive, nor permit any person under my authority to receive, directly or indirectly, any present, either in money or in any other mode, in the execution or on account of any matter relating to the duties of my office; and that I will not derive any emolument from my office, except as authorized by Government.

So help me God.

Date. Signature.

APPENDIX D.

(See Section IX *Clause* 1st.)

List of days on which Courts are to be closed beside Sundays and local holidays.

New year's day..... 1st January.
Good Friday,
Nativity of Christ,.....25th December.
The Queen's Birth Day.

APPENDIX E.

(See Section XIX *Clause* 1st.)

Form of proclamation of the Sessions.

Whereas information has been received from the Judge on Circuit, announcing his intention of holding a Court of Session at (here insert the place where it is to be held) on or about (here insert the time both in the English Era, and that commonly used in the language of the proclamation) all persons bound or required to appear before the said Court, are hereby informed thereof, and in default of attendance, they will be liable to whatever penalty may attach to the omission;

And all persons desirous of making any representation to the Judge on Circuit, repecting the administration of Justice, or grievances incurred in it, are informed, that their statements will be heard.

(Date.)

Signature of the Criminal Judge,
or
Magistrate.

APPENDIX F.

(*See Section* XIX *Clause 2nd.*)

Form of Calendar of Prisoners for trial at the Sessions.

Calendar of Prisoners committed or held to bail for trial at the Sessions at————.

Dated (here insert the date on which the Calendar is delivered to the Judge on Circuit.)

Number of the case.	Name of the prisoner.	Description of any previous sentence which may still be in course of execution against the prisoner, and how far it has been executed. N. B. If there be no prisoner so situated, this column may be dispensed with.	Abstract of the charge and date on which preferred.	Whether committed or held to bail and on what date.	Abstract of the grounds for subjecting the prisoner to trial.	Names of the witnesses for the prosecution.	Names of witnesses called by the prisoner.

APPENDIX G.

(See Section XIX *Clause 2nd.)*

Form of Calendar of persons absent in breach of engagement.

Calendar of absent persons whose attendance has been required at the Sessions, at————,

Date (date of delivery)

Names of persons on bail for trial and number of the case in which each is concerned.	Names of witnesses and number of the case in which each is concerned.	Names of persons whose attendance may have been required, for purposes not included in the preceding columns, and abstract of the said purposes.	Abstract of the mode in which the absentee has been bound, or enjoined to appear.

REGULATION XIII, A. D. 1827.

APPENDIX H.

(See Section XXI Clause 3rd.)

Form of Warrant for executing a sentence passed finally by a Court of Circuit.

Seal.

To (here insert the official direction of the Criminal Judge.) Whereas at a Court of Circuit held at (here insert the name of the place and Zilla) before (here insert the name of the Judge and his official designation in the Suddur Foujdaree Adawlut) the prisoner (here insert the name) has been tried on a charge (*or* charges) recorded in case (*or* cases) numbered (here insert the number or numbers) in the calendar dated —— and convicted of (here insert the conviction) and the said prisoner has therefore been sentenced to (here insert the sentence) you are hereby required to execute the said sentence according to the Regulations.

Signed.

(By the Judge on Circuit.)

(Here insert the date.)

APPENDIX. I.

(See Section XXI Clause 3rd.)

Form of warrant for keeping a prisoner in custody whilst a sentence passed by a Court of Circuit is referred to the Sudder Foujdaree Adawlut.

Seal.

To (here insert the official direction, of the Criminal Judge.)

Whereas at a Court of Circuit held at (here insert the name of the place and Zilla) before (here insert the name of the Judge and his official designation in the Sudder Foujdaree Adawlut) the prisoner (here insert the name) has been tried on charge (*or* charges) recorded in case (*or* cases) numbered (here insert the number *or* numbers) in the calendar dated——and convicted of (here insert the conviction,) and the said prisoner has therefore been sentenced to (here insert the sentence) which sentence however is subject to the final decision of the Court of Suddur Foujdaree Adawlut; you are hereby required to keep the said prisoner in custody until you receive final instructions from the said Court.

Signed,

(By the Judge on Circuit.)

(Here insert the date.)

APPENDIX J.

(See Section XXVI Clause 2nd.)

Form of warrant for executing a sentence passed by a Special Court.

To (here insert the official address of the Criminal Judge.)

Whereas at a Special Court assembled by order of the Governor in Council under date———in the Zilla of———the prisoner——— has been

has been tried on a charge of (here insert the charge) and found guilty of the same, and whereas, on the proceedings held at the said trial being laid before the Governor in Council, instructions were issued by that authority in {confirmation, / or / mitigation,} of the sentence awarded by the Court, and according thereto, the said prisoner has been finally sentenced to (here insert the sentence) you are hereby required to execute the said sentence according to the Regulations.

(Signed by the members of the Court, with their respective official designations.)

(Insert the date of the sentence.)

APPENDIX K.

(See Section XXIX Clause 3d.)

Form of Summons to be used for procuring the attendance of a witness before the Sudder Foujdaree Adawlut.

Seal.

To (insert the name of the witness, and, so far as may be known or necessary to identify the person the particulars prescribed in the first Clause of Section XXXVI to be inserted in a deposition.)

Whereas your presence is required before the Court of Suddur Foujdaree Adawlut, to afford information respecting (here insert in general terms the purpose for which the witness's presence is required) you are hereby required to attend before the said Court at (seat of the Court) on the (insert the time :) *If the witness is required to produce any article, here add* "and to bring with you" &c.)

In failure whereof, you will be liable to the penalties which attach by Regulations to the same.

(Date.)

(Signature and official designation of the Register.)

N. B. An endorsement shall be made on the summons, specifying either that the Officer to whom it is addressed, shall use his discretion in applying any of the modes of enforcement detailed in the first Clause of Section XXXIV, or directing which of them shall be resorted to, and the extent of penalty to be inserted.

APPENDIX L.

No. 1.

(See Section XXXII Clause 2nd.)

Form of warrant for executing a sentence passed by the Sudder Foujdaree Adawlut in a case referred to it by a Court of Circuit or Criminal Judge.

Seal.

To ——

Criminal Judge of the Zilla of ——

Whereas

Whereas a case was referred to the Court of Sudder Foujdaree Adawlut on the (insert the date of the reference) by

the {Criminal Judge of the.....} Zilla of
{Judge on Circuit holding a Session in the}

_____, wherein (insert the name of the convict) was charged with (insert the charge) and has been found {guilty.....} thereof, of
{under circumstances of extenuation guilty}
{*or*}
{not guilty.....}

has been sentenced to (insert the sentence) you are hereby required to {execute the said sentence} according to to the Regulations.
{*or*}
{discharge him.....}

(Date.)

(Signatures and official designations of a sufficient number of Judges to constitute a Court.)

No. 2.

(See Section XXXII Clause 2nd.)

Form of warrant to be used when pardon or mitigation of punishment is granted by Government.

Seal.

To (insert the address of the officer in whose custody the prisoner may be.)

Whereas (insert the name of the prisoner) was convicted before (insert the convicting authority) of (insert the crime of which the prisoner was convicted) and sentenced to (insert the sentence) for execution of which a warrant was issued to (insert the designation of the officer to whom the warrant was addressed) on the (insert the date of the warrant) and it has been deemed expedient by the Governor in Council that {the said punishment shall be mitigated} which resolution has
{*or*}
{the said prisoner be pardoned.....}

been signified to the Court of Suddur Foujdaree Adawlut, in a letter dated (insert the date of the Government order) the sentence is in consequence recalled, and the said warrant cancelled, and you are hereby required, according to the said resolution of Government to {set the said prisoner at liberty....
{*or*}
{(here insert whatever punishment is to be inflicted).....}

and to return the said cancelled warrant with this present one, when the latter shall have been duly executed.

(Signature and official designations of a sufficient number of the Judges to constitute a Court.)

(Insert the Date.)

REGULATION XIII, A. D. 1827.

APPENDIX M.

(See Section XXXIV Clause 1st.)

Form of recognizance to be entered into by a witness.

I (insert the name and profession of the witness, and of his, or her father, if the witness be a male or unmarried female, and if a married female then the name of her husband and his profession, and in either case the residence of the witness) hereby bind myself to be in attendance on (insert the time) at (insert the place) in order to give evidence before (insert the authority before which the witness is summoned to appear) and there to continue, until dismissed by the said (insert the above said authority)

In failure whereof I shall be liable to forfeit the sum of rupees (insert the amount) to Government and, if the said forfeiture be not paid, I shall be liable to imprisonment in the Criminal Jail for the term of (insert the period.)

(Date.) (Signature of the witness.)

(Authentication by the officer before whom the instrument is executed.)

APPENDIX N.

(See Section XXXIV Clause 1st.

Form of penalty bond to be entered into by a security for the attendance of a witness.

I (insert a sufficient designation of the security) hereby bind myself as security for (insert the name of the witness) who is bound to appear for the purpose of giving evidence before (insert the authority before which the witness is to appear) on (insert the time) at (insert the place) and there to continue until dismissed by the said authority.

If the said (insert the witness's name) fail in any of these conditions, I engage to forfeit the sum of rupees (insert the amount) to Government and, if the said forfeiture be not paid, I shall be liable to be imprisoned in the Criminal Jail for a period of (insert the period.)

(Date.) (Signature of the security.)

(Authentication of the Officer before whom the instrument is executed.)

(Branch of Criminal Judicature.)

A. D. 1827, REGULATION XIV.

A REGULATION *for defining crimes and offences, and specifying the punishments to be inflicted for the same.*—PASSED *by the Governor in Council on the* 1st *January* 1827, *corresponding with the* 4th *Poush Sood Sumbut or Vekramajet Era* 1883, *Salbahan* 1748, *and* 2nd *Jummadyool Akhir* 1242, *of the Hijree.*

Consisting of six (6) Chapters as below.

NUMBER OF CHAPTER.	TITLE.	COMMENCING SECTION.
I.	*A general description of the acts which are to be considered criminal, with reference to the mode in which each is punishable*	I.
II.	*Of punishments and the mode of their execution*	III.
III.	*Of offences against the state in its domestic and foreign relations, and the punishments to which they are liable; comprising,*	
	Treason:	
	Rebellion:	
	Unlawful attempt to alter the established laws;	
	Disturbing the peace of foreign states	XII.
IV.	*Of offences against morality or the community at large, and the punishments to which they are liable; comprising,*	
	Perjury:	
	Forgery:	
	Coining:	
	Issuing base coin:	
	Selling poisons:	
	Disguising the appearance of valuable articles:	
	Fraudulent use of weights or measures:	
	Fraudulently describing articles offered for sale;	
	Violation of local police rules:	
	Escape from custody:	
	Resistance of legal process	XVI.
V.	*Of offences against the person, and the punishments to which they are liable; comprising,*	
	Murder:	
	Culpable homicide:	
	Procuring abortion:	
	Rape and other assaults:	
	Insult and threatening:	
	Illegal import, export and transfer of slaves;	
	Kidnapping, detention and forced service:	
	Denunciations, by means of TRAGA, DHURNA, JHANSA, &c.	XXVI.
VI.	*Of offences against property, and the punishment to which they are liable; comprising,*	
	Gang robbery:	
	Robbery:	
	Theft:	
	Breach of trust:	
	Receiving stolen goods:	
	Destroying property	XXXV.

(Branch of Criminal Judicature.)

REGULATION XIV. A. D. 1827.

A REGULATION *for defining crimes and offences and specifying the punishments to be inflicted for the same.*—PASSED *by the Governor in Council on the* 1st *January* 1827, *corresponding with the* 4th *Poush Sood Sumbut or Vikramajeet Era* 1883, *Salbahan* 1748, *and* 2d *Jummadyool Akhir* 1242 *of the Hijree.*

Preamble.

WHEREAS the principles of Justice require, that the punishment to be inflicted on criminals and the offences by which those punishments are respectively incurred should be publicly promulgated, and whereas in conformity with this object, and with the enactments of the British Legislature, it has been the practice of the British Government of Bombay to apply to its subjects respectively their peculiar laws modified and amended as necessity required by Regulations passed and published, the Courts of Justice ascertaining the native law in each case, as it occurred, by a reference to the law officer of the religion of the offender; and whereas an enactment, which should enumerate various offences, and specify their respective punishments, the same being the general result of the practice of the Courts founded on the successive expositions of the law officers consulted, must to a considerable extent secure the more steady observance of the principle of administering to individuals the law of their religion, by avoiding the probable variation in the expositions of different officers given each at the moment when the law is about to be applied, and whereas such an enactment will also combine the great advantages of superior publicity to the law, and of substituting a suitable discretion for the indefinite power conferred in numerous instances on the Court by the expositions of the law officers, while it will also provide a code easy of access for those individuals of the community, to whom, as not being subject to any specific national or religious code of criminal law, the English law has, with considerable inconvenience been hitherto applied, the following rules are therefore enacted, to have effect from such date as shall be prescribed in a regulation to be hereafter passed for that purpose.

CHAPTER I.

A GENERAL DESCRIPTION OF THE ACTS WHICH ARE TO BE CONSIDERED CRIMINAL, WITH REFERENCE TO THE MODE IN WHICH EACH IS PUNISHABLE.

Specification of penal acts.

SECTION I.—*Clause* 1*st.*—Actions such as those hereafter enumerated, are declared to be liable to the punishments respectively assigned.

Offences against the state.

First.—Offences committed against the state in its domestic or foreign relations as defined with punishments to which they are liable in Chapter III.

morality, and the community at large,

Second.—Offences against morality or the community at large as defined with the punishments to which they are liable in Chapter IV.

person,

Third.—Offences against the person, as defined with the punishment to which they are liable in Chapter V.

and property.

Fourth.—Offences against property as defined with the punishments to which they are liable in Chapter VI.

Offences peculiar to certain public officers.

Fifth.—Acts committed by public officers in breach of rules established for their guidance, the definition of, and punishment for which are specified in those parts of the code which relate to such officers respectively.

or against particular enactments.

Sixth.—Acts which (whether or not abstractedly criminal) constitute breach of laws made for particular purposes, the definitions of, and punishments for which, are specified in the parts of the code relating to them respectively.

or the religion of the offender.

Seventh.—Offences declared penal by the religious law of the person charged, provided they be not included among those for which punishment is enacted in the code of Regulations, but nevertheless constitute a breach of morality, or the peace, or good order of society, they shall be liable to such punishment as may be prescribed by the religious law of the convict, if it be of a nature authorized in Section III of this Regulation; otherwise, it shall be commuted to such of the punishments therein authorized, as may be deemed equivalent and appropriate by the authority taking cognizance of the case.

Attempts how punishable.

Clause 2*nd.*—An attempt to commit any of the above acts shall be punished according to the Court's judgment founded on a combined consideration of the measure

sure of guilt attempted and committed, but the punishment for such attempt shall in no case exceed that prescribed for the actual commission of the offence attempted.

and offences not specifically designed.

Clause 3rd.—The unintentional commission of any of the above acts shall be punished according to the Court's judgment of the culpable disregard of injury, to others evinced by the person committing the said act, but the punishment for such unintentional commission shall not exceed that prescribed for the offence committed.

Mixed cases how prosecuted and punished.

Clause 4th.—If the case should combine the conditions of the two last preceding Clauses, a conbined prosecution under both may likewise be instituted; but the punishment shall not exceed that which could be adjudged under either of the said Clauses, which the Court in its discretion may decide to apply.

Instigation and aid how punishable, also concealment in the case of serious crimes.

Clause 5th.—Instigating or aiding in any of the above offences committed or attempted, shall be punishable as the respective offences, and in treason, rebellion, murder, or gang robbery, concealment, *whether before or after the fact*, shall be punishable equally with instigation or aid.

Concealment before the fact in other cases how punishable.

Clause 6th.—Concealment *before the fact*, in the case of any offence not specified in the preceding Clause, with reference to concealment, shall, if the offence be attempted or committed, be liable to punishment of the same nature (exclusive of death, transportation, or imprisonment for life) as that assigned to the respective offence, but to only half the extent.

Special rules with regard to near connexions.

Clause 7th.—The provisions of Clause 6th shall not apply to concealment in favor of a parent or child, husband or wife, brother or sister of the concealer, and protection or concealment *after the fact* of the offender or the offence, when any of the said connexions exist, shall never be punishable, unless the protection afforded be attended with such violence or threats of the same towards a third person, as would probably occasion death or maiming to the person against whom directed.

Accessaries may be punished more severely than principals.

Clause 8th.—The degree of punishment inflicted by virtue of Clauses 5th, 6th and 7th shall not be considered as necessarily regulated by that to which the principal in that particular case may have been sentenced, but may be greater or less, according to circumstances, and within the prescribed limit.

Offences simultaneously committed may be prosecuted separately.

Clause 9th.—Conviction or acquittal of any particular offence is not to exempt the culprit from being tried for any criminal act of different denomination which may have been committed at the same time, provided that it was not virtually included in the charge, on which he may have been so convicted or acquitted.

Criminal offences not prosecutable in the Civil Court.

SECTION II.—*Clause 1st.*—Criminal offences, as above described, shall not be made subjects of litigation in the Civil Courts, except in the following instances, and then the institution or result of a civil suit shall in no way depend on, or affect any prosecution of the offence in the Criminal Court.

Exception in certain cases of private injury,

Clause 2nd.—Acts of fraud specified in Section XXII. petty assaults, abuse, and calumny specified in Section XXIX. Clause 2nd, fraudulent removal of property specified in Section XL, and damage to private property specified in Section XLII Clause 2nd, may be prosecuted in the Civil Court by the complainant.

and of the misconduct of public servants.

Clause 3rd.—Breaches of duty in native officers of Courts of Justice, and in natives employed in police duties, or in the collection of revenue, taxes, or customs, may likewise, in conformity with the several Sections of Regulations II, XII, XIII, XVI, XVII, XVIII, and Chapter III of Regulation XX. A. D. 1827, which treat of those offences, be prosecuted in the Civil Court by the complainant.

CHAPTER II.

OF PUNISHMENTS AND THE MODE OF THEIR EXECUTION.

Specification of punishments.

SECTION III.—*Clause 1st.*—The following punishments, and no others, are authorized to be inflicted for the offences to which they are respectively assigned in the code of Regulations.

First.—Death	under the rules prescribed in	Section IV.
Second.—Transportation		Section V.
Third.—Confiscation of property		Section VI.
Fourth.—Imprisonment, which may be solitary or ordinary, and include banishment and hard labour		Section VII.
Fifth.—Flogging		Section VIII.
Sixth.—Fine		Section IX.
Seventh.—Public disgrace		Section X.
Eighth.—Personal restraint		Section XI.

Clause

Clause 2nd.—If a prisoner sentenced to punishment by any authority, except a special Court, should be seized with illness, or be liable to personal infirmity of such nature, as would occasion the execution of the sentence to produce corporal evil of a sort not intended, the officer, whose duty it may be to execute the sentence, shall be authorized to delay it, till such illness or infirmity may have ceased, if temporary, and, if permanent, he shall report the case to the Suddur Foujdaree Adawlut, which shall have authority to recall the warrant and issue another, containing a sentence of such commuted punishment as it may deem adequate, the same being of the nature and within the limit prescribed for the respective offence; but, if the original sentence have been passed by a Special Court, the remedy in the case contemplated, shall be sought for from the Governor in Council by the means described in Regulation XXXI. A. D. 1827, Section XXXI, the officer in charge of the prisoner being authorized to act in the interim as above stated,

Punishment may be delayed if its infliction would occasion suffering not contemplated.

SECTION VI.—*Clause 1st.*—The punishment of death shall be inflicted by hanging the criminal by the neck, and such time of day (being between sunrise and sunset) as well as such spot, at the place expressed in the warrant, shall be selected, as may afford the greatest possible publicity to the execution, which also shall not take place on Sunday, Good Friday, or Chirstmas-day.

Death how to be inflicted, time and place;

Clause 2nd.—All executions shall be conducted in a manner calculated to impress the spectators with awe, and when specified in the warrant; they shall be accompanied with such circumstances in the dress or exposure of the criminal, as without adding to his sufferings may increase the impression on the spectators.

ceremonies which may be used;

Clause 3rd.—If so directed in the warrant the body shall remain suspended in chains, otherwise it shall be delivered to any one who may apply for the purpose of performing funeral rites, and, if no application be made, shall be buried at the place of execution.

the body how to be disposed of,

Clause 4th.—The gibbet shall be inscribed or disposed of according to any direction contained in the warrant, and if there be no such directions, it shall be removed.

also the gibbet.

Clause 5th.—Death shall not be inflicted on Brahmins, or females, in districts, where the religious feelings of the native community would be shocked thereby, unless in cases of such deep atrocity as may be expected to counteract the effect of those feelings.

Brahmins and females are in certain cases exempted from the punishment of death.

SECTION V.—*Clause 1st.*—Transportation shall always be for life, and the criminal so sentenced shall be sent beyond sea under the instructions of Government, having been in the first instance delivered to the custody of the senior magistrate of police in the Island of Bombay, or other officer as Government may direct.

Transportation adjudged only for life, how enforced.

Clause 2nd—A criminal returning from transportation without pardon, shall be tried for the same, before a Court of Circuit, and on his identity being thus established shall be retransported as described in the preceding Clause.

Penalty of return without a pardon.

SECTION VI.—*Clause 1st.*—Confiscation of property is the seizure for the use of Government of all property of which the convict may be possessed at the time of sentence.

Confiscation how enforced.

Clause 2nd.—The authority adjudging confiscation shall at the same time assign to the family of the offender sufficient maintenance out of the property confiscated, or such as it will afford.

a maintenance secured to the convict's family:

Clause 3rd.—If there be a doubt respecting any particular property belonging to the convict, the officer charged with executing the sentence may either make the seizure in the first instance, leaving the right to be decided by the usual course of law, or he may give a written notice of his intention to the supposed claimant, specifying the property in question, and stating that the seizure will be made at the end of six months from the date of delivery; the note shall also state that, if by the said period the claimant shall not have instituted any legal process to establish his right, he will forfeit the same, and, if no such process be so instituted, the forfeiture shall take place accordingly.

doubts regarding the seizure of property,

Clause 4th.—And the officer charged with the execution of a sentence of confiscation shall be entitled to recover by the usual process of law, all debts and rights due to the convict, in the same manner as if the said officer were an accredited agent to the convict.

and his outstanding demands how recovered.

SECTION VII.—*Clause 1st.*—Imprisonment may be either solitary or ordinary; in the first case it shall not be adjudged for a longer period than two years, and shall not be combined with ordinary imprisonment, and, in the latter, it shall not be adjudged for a longer period than fourteen years, except that ordinary imprisonment

Imprisonment if solitary, limited to two years; if ordinary, to fourteen years, but perpetual imprisonment may be substituted for death, and the convict may then be transported.

sonment for life may be substituted as commutation for a sentence of death, in which case it shall be at the discretion of Government to cause the prisoner to be transported, under the rules applicable to transportation.

Solitary imprisonment how enforced.

Clause 2nd.—Solitary imprisonment shall be enforced by confining the prisoner in a room, where no communication can be had with any one, the room shall be opened only once in each day, in order to clean it and supply the prisoners with food, and shall be kept open no longer than necessary for those purposes, no conversation being allowed with the prisoners at those times: but visits not exceeding one hour each, and at intervals of not less than one month, may be permitted to be made to the prisoners by any of his friends, at the discretion of the Criminal Judge, who will take due precaution that the convict's safe custody be not thereby endangered.

Ordinary imprisonment may, if the warrant so direct, include hard labour.

From which however Brahmins and females and certain other persons are in general exempted.

Clause 3rd.—Ordinary imprisonment shall, if the warrant or sentence so direct, subject the prisoner to be kept to hard labour, such as repairing roads, carrying burdens and other such toilsome employments, the labour being applied to purposes of public utility, but Brahmins, females, and persons of such order in society, that the sentiments of the native community would be shocked by their being so employed shall not be sentenced to hard labour, unless in cases of such deep atrocity as would obviate that impression.

Imprisonment with hard labour may be enforced any where within the Bombay territories.

Clause 4th.—Convicts sentenced to imprisonment with hard labour, may be removed to suffer the same at any Zilla subordinate to the Presidency of Bombay under the directions of the Suddur Foujdaree Adawlut, or at the Presidency, under the direction of the Governor in Council, through the medium of that Court.

Convicts suffering imprisonment may be placed on conjee diet for a period.

Clause 5th.—A sentence of imprisonment, either solitary or ordinary, without labour, may be accompanied with directions to keep the prisoner on Conjee Diet for a period not exceeding one month.

Flogging how inflicted.

one infliction not to exceed twenty-five stripes,

nor one sentence a hundred stripes.

time, place, and intervals, of infliction.

SECTION VIII.—*Clause 1st.*—The punishment of flogging shall be inflicted on the bare back with a rattan, or such other instrument as may be authorized by the Sudder Foujdaree Adawlut. No culprit shall suffer more than twenty-five stripes at one time, or shall be sentenced to more than one hundred in one judgment.

Clause 2nd.—The warrant may direct the place where the punishment is to be inflicted, and if it is to be repeated at intervals, they shall be specified in the warrant, and the rules contained in the first Clause of Section IV. regarding publicity in executing capital sentences, shall be followed in executing sentences of flogging.

certain persons exempted from this punishment.

Clause 3rd.—Persons of such description as are directed in the third Clause of the preceding Section, to be exempted from hard labour, shall not be sentenced to flogging.

Fine always commutable into imprisonment not exceeding five years.

such imprisonment further limited as explained.

fines may be partly discharged and the assigned imprisonment in part suffered.

SECTION IX.—*Clause 1st.*—When a fine is imposed, a period of ordinary imprisonment to be suffered in commutation, if the fine be not realized, shall be specified in the warrant: this period shall never exceed five years, and is always to be considered included in the limitations of imprisonment prescribed as punishment for particular offences, or as bounding the jurisdiction of particular officers.

Clause 2nd.—When a fine is partly paid, the imprisonment assigned in commutation shall be proportionally reduced; the calculation for this purpose of periods and payments shall reckon each month at thirty days, and shall descend to one rupee or day, but not lower on either side; and quantities containing fractions shall be changed for their next integral numbers in favour of the convict.

Special enactments regarding fines are not affected by these rules.

Clause 3rd.—Nothing contained in this Section shall be understood to oppose special enactments regarding fines in particular cases.

Pubic disgrace how inflicted.

SECTION X.—Public disgrace shall be inflicted by means of any degrading exposure, which may not involve corporal pain, or offend moral propriety, such as conveying the culprit publicly on an ass, with his face blacked, or with an inscription affixed to his person; but the particular mode adopted must have been previously sanctioned, as a punishment by the Suddur Foujdaree Adawlut.

Personal restraint to be inflicted as described.

SECTION XI.—*Clause 1st.*—Personal restraint shall be carried into effect by confining the culprit under charge of some public officer, either at the culprit's own house, or at the chowra, or other place of public resort, for a period not exceeding fifteen days.

or differently if the Sudder Adawlut's sanction be obtained.

Clause 2nd.—Or the culprit may be placed for a period not exceeding 14 hours under any sort of restraint analogous to those mentioned in the preceding Clause, the use of which may previously have been sanctioned by the Sudder Foujdaree Adawlut.

REGULATION XIV. A. D. 1827.

CHAPTER III.

OF OFFENCES AGAINST THE STATE IN ITS DOMESTIC AND FOREIGN RELATION, AND THE PUNISHMENTS TO WHICH THEY ARE LIABLE; COMPRISING,

Treason.

Rebellion.

Unlawful attempt to alter the established laws.

Disturbing the peace of foreign states.

Treason.

SECTION XII.—*Clause* 1*st.*—Any person subject to the criminal jurisdiction established by Regulation XI. A. D. 1827, Sections I and III, who shall raise or employ armed men, for the purpose of making war against any of the British Governments in India, or the adjacent countries, or for the purpose of open depredation, or who shall join men so raised or employed, or shall attempt the fidelity of the troops of any of the said Governments, or shall assist its foreign enemies or rebels, or who shall be guilty of any act for the subversion of any of the said Governments, for the forcible dismemberment of its territories, shall be liable to suffer the punishment of treason.

its punishment.

Clause 2*nd.*—The punishment of treason shall be death, and confiscation of property.

Rebellion.

SECTION XIII.—*Clause* 1*st.*—Persons exceeding twelve in number, assembling for riotous or rebellious purposes, not amounting to treason, shall be liable to the punishment of rebellion.

its punishment.

Clause 2*nd.*—The punishment of rebellion is ordinary imprisonment for a period not exceeding ten years, or fine, or both combined.

An unlawful attempt to alter the law.

SECTION XIV.—*Clause* 1*st.*—Any person who shall address threats to the established Government; or threats or promises to any of its agents, or of the authorities under it, for the purpose of procuring alteration in the law, or rendering it nugatory, or shall institute or join any conspiracy ratified by any sort of bond, oath, or agreement between individuals to execute the said measures, shall be deemed guilty of an unlawful attempt to alter the established laws:

its punishment.

Clause 2*nd.*—And the said unlawful attempt shall be liable to punishment by fine, or ordinary imprisonment not exceeding a period of ten years, or both combined.

Disturbance of the peace of foreign states.

SECTION XV.—Any person subject to the criminal jurisdiction established by Regulation XI. A. D. 1827, who shall, while residing within any Zilla situated in the said jurisdiction, or within six months after quitting such jurisdiction, disturb the peace of a foreign state not at war with the British Government, or wilfully aid such offence by the grant or loan of money or arms, shall be liable to punishment by fine or ordinary imprisonment not exceeding ten years, or both combined.

its punishment.

CHAPTER IV.

OF OFFENCES AGAINST MORALITY OF THE COMMUNITY AT LARGE, AND THE PUNISHMENTS TO WHICH THEY ARE LIABLE: COMPRISING,

Perjury.

Forgery.

Coining.

Issuing base coin.

Selling poisons.

Disguising the appearance of valuable articles.

Fraudulent use of weights or measures.

Fraudulently describing articles offered for sale.

Violation of local police rules.

Escape from custody.

Resistance of legal process.

Perjury.

SECTION XVI.—*Clause* 1*st.*—Any person who shall wilfully make a false statement upon oath or solemn declaration before any authority empowered by Regulation to administer the same, or who shall break the oath or declaration prescribed in the code of Regulations as a qualification for any public office, shall be subject to the punishment of perjury.

its punishment.

Clause 2*nd.*—Perjury shall be punishable by fine, imprisonment not exceeding ten years, flogging not exceeding fifty stripes, or public disgrace, or any of those combined.

Clause 3*rd*

special rule as to the trial of perjury.

Clause 3*rd.*—But no person shall be tried for perjury by the individual officer before whom it is alleged to have been committed.

forgery.

SECTION XVII.—*Clause* 1*st.*—Any person who shall counterfeit or fabricate any document or written instrument, or any signature, seal or mark upon such, or shall alter or efface the same, or any part thereof, with the intent of applying the same to a fraudulent purpose, shall be deemed to have committed forgery.

and the wilful application of forgery to purposes of fraud.

Clause 2*nd.*—Any person who shall make a fraudulent use of a document or instrument so forged, knowing it to be so, shall be liable to the punishment prescribed for forgery.

how punished.

Clause 3*rd.*—Forgery shall be punishable by fine, imprisonment not exceeding five years, flogging not exceeding fifty stripes, or public disgrace, or any of these combined.

Unlawful coining or injuring the legal coin how punished.

SECTION XVIII.—Any person coining money without authority from Government, or wilfully injuring the legal coin of the country, or furnishing tools, knowing that they are to be applied to the said purposes, shall be punishable with fine, ordinary imprisonment not exceeding eight years, or flogging, or any of these combined.

The issue of unlawful coin,

how punished in serious cases,

SECTION XIX.—*Clause* 1*st.*—Any person who may issue money which he knows to be base and unlawfully coined, shall, if the amount be greater than ten rupees, or if he have previously been convicted of the said offence, be liable to the punishment prescribed for unlawful coining in the preceding Section.

and how in more trivial ones.

Clause 2*nd.*—But if the amount do not exceed ten rupees, and the culprit have not before been convicted of the offence, he shall be punishable by fine not exceeding three times the amount of the sum issued, or attempted to be issued, commutable to ordinary imprisonment without labour, for a period of two days for each rupee of fine.

The unlicensed retail of poisons how punishable;

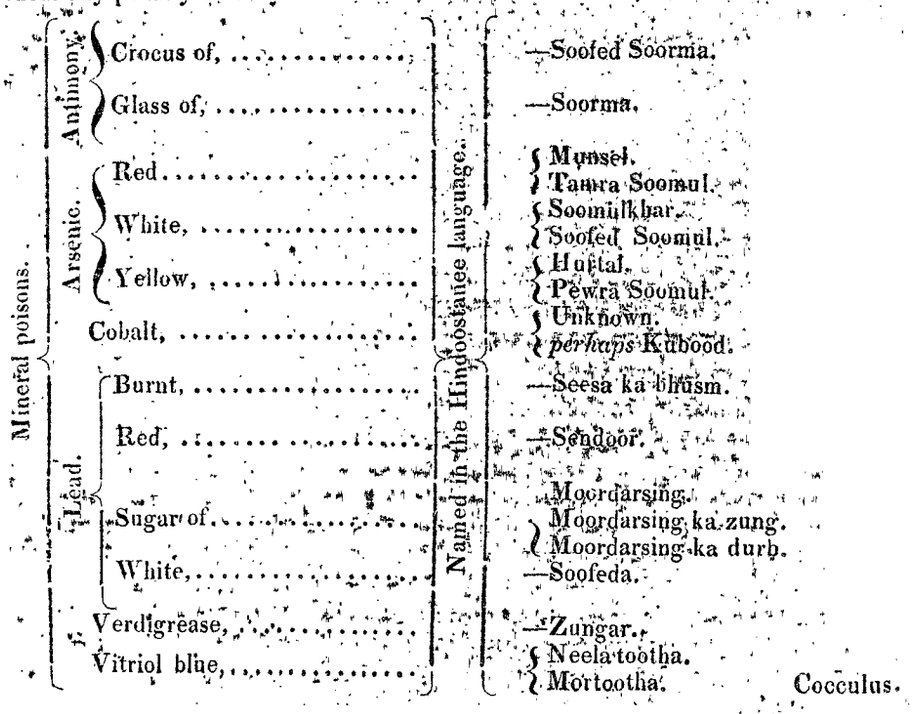
SECTION XX.—*Clause* 1*st.*—Any person who sells by retail the poisonous drugs or deleterious substances described in Clause 3rd of this Section, without having obtained a licence from the Collector, according to Regulation XXI. A. D. 1827, Section XLIV, and lodged a copy thereof in the Magistrate's office, shall be punishable with fine, or ordinary imprisonment for a period not exceeding one year, or both combined.

also certain incautious sales under licence,

Clause 2*nd.*—And a licenced retailer of the said articles who shall, with regard to such of them as the Magistrate shall have specified, fail on the occasion of any sale to ascertain the purpose to which the article is to be applied, and to make an entry in a book (which shall always be kept ready for the Magistrate's inspection,) of the quantity and date of sale, and the name and abode of the purchaser, shall also be subject to the penalties specified in the preceding Clause.

articles placed under licence, which however Medical practitioners may give as medicines.

Clause 3*rd.*—The articles prohibited as above to be retailed without a licence are the following, and it is to be understood, that a medical practitioner administering any of them as medicine, in the course of his professional practice, does not incur any penalty thereby.



Vegetable poisons.	Named in the Hindoostanee language
Cocculus Indicus,.....	—Kak maree kee beenj.
Napellus Moysis,.....	—Bichnak.
Nux Vomica,.....	—Kachla.

SECTION XXI.—Any person who shall have melted, or disguised the appearance of ornaments or articles composed of the precious metals or jewels, under circumstances which furnished cause for suspicion, that the said articles had been dishonestly procured, shall be punishable with fine, ordinary imprisonment not exceeding three years, flogging not exceeding fifty stripes, or public disgrace, or any of these combined.

The fraudulent or suspicious melting or alteration of ornaments or other valuable property.

how punished.

SECTION XXII.—Any person professing to deal in retail, who may use false weights or measures, or use correct ones in a fraudulent manner, or offer articles to sale under a false description of their nature, shall be punishable with fine, ordinary imprisonment not exceeding one year, flogging not exceeding thirty stripes, disgrace, or any of these combined.

Fraud by retailers in respect to weights and measures.

how punished.

SECTION XXIII.—Any person wilfully violating any rules established or sanctioned by the Magistrate, in conformity to the provisions of Regulation XII. A. D. 1827, Section XIX, shall be punishable with fine not exceeding his computed average monthly income, ordinary imprisonment without hard labour not exceeding one month, flogging not exceeding twenty-five stripes, or personal restraint, or any of these combined.

Breach of local rules.

how punished.

SECTION XXIV.—Any person who shall effect a forcible escape from custody, after sentence has been passed on him, shall be liable to be tried for the same before a Court of Circuit, and to suffer punishment of the same nature as that to which the act for which he had originally been sentenced is liable, except death, transportation and confiscation, and no sentence of imprisonment for a longer period than four years, or of flogging to a greater extent than forty stripes, shall be awarded.

Escape of a convict from custody,

how punished.

SECTION XXV.—Resistance to any process issued by a Civil or Criminal Court, or to any officer of such Court in the performance of an act within his official province, if perpetrated by force, or by a threat of force of a nature apparently within the offender's power to execute, shall be punishable with fine, imprisonment not exceeding four years, flogging not exceeding fifty stripes, personal restraint, or any of these combined.

Resistance to legal process,

its punishment.

CHAPTER V.

OF OFFENCES AGAINST THE PERSON AND THE PUNISHMENT TO WHICH THEY ARE LIABLE, COMPRISING.

Murder.
Culpable homicide.
Procuring abortion.
Rape and other assaults.
Insult and threatening.
Illegal import, export and transfer of slaves.
Kidnapping, detention and forced service.
Denunciations by means of Traga, Dhurna, Jhansa, &c.

SECTION XXVI.—*Clause 1st.*—Any person who shall purposely, and without justifiable or extenuating cause deprive a human being of life, or who shall commit or assist in any unlawful act, the prepetration of which is accompanied with the death of a human being, shall be liable to the punishment of murder; provided always, that death take place within six months after the act was committed.

Murder defined.

Clause 2nd.—The belief that sorcery was practised by the deceased, shall not be admitted as a justifiable cause for putting him or her to death, nor shall be deceased's own request be so admitted; but assisting at any rites of self-immolation, as directed by the religious law of the person performing such immolation shall not subject any one to the penalty of murder.

The belief that the deceased was a sorcerer not admitted without justicification.

provision regarding self immolation prescribed by the religion of the sufferer.

Clause 3rd.—Deprivation of life may be considered justifiable as a means of resistance (provided it be the only evident and efficient one) to violence offered to the person or property of any one, or as the only evident and efficient means of securing a person who has committed robbery or murder, or any other atrocious offence,

certain causes may justify the taking away life.

Clause 4th

punishment of murder.

Clause 4th.—The punishment of murder shall be death, transportation, imprisonment for life, or solitary imprisonment with flogging.

Culpable homicide.

SECTION XXVII.—Any person who shall, by committing or assisting in any unlawful act, occasion the death of a human being, provided, as before, that death ensue within six months after the act was committed, under circumstances which the Court, in judging of the act, intention, and cause, considers though not justifiable under the preceding Section, yet sufficiently extenuating to divest the act of so much criminality as would constitute murder, shall be deemed guilty of culpable homicide, and shall be punishable with fine, or imprisonment not exceeding ten years, or both combined.

how punished.

The causing abortion how punished.

SECTION XXVIII.—A woman removing her own pregnancy by procuring abortion, shall be punishable with fine, or imprisonment not exceeding ten years, or both combined.

Rape and serious assaults.

SECTION XXIX.—*Clause 1st.*—The crime of rape, as also an assault committed on the person of any one in such way as to maim or destroy the action of a limb, temporarily or permanently, or injure the health, or to occasion what the Court may consider a great degree of bodily suffering to the person assaulted, or to cause a severe shock to the mental feelings of the sufferer, shall be punishable with fine, imprisonment, or flogging, or any of these combined.

how punished.

trivial assaults, including abuse,

Clause 2nd.—And assaults of a trivial nature, as well as abusive, calumnious, threatening expressions addressed to a person in his presence, and of a nature tending to provoke a breach of the peace, shall be punishable with fine, ordinary imprisonment not exceeding six months, or personal restraint, or any of these combined.

how punished,

All unlawful acts producing bodily suffering to be deemed assaults, and punished accordingly.

Clause 3rd.—Any unlawful mode of wilfully producing bodily injury or suffering, though not actually an assault (as for instance, administering unwholesome food) shall be punishable, according to the consequences produced, in the same way and to the same extent as an assault.

Import of slaves for sale.

SECTION XXX.—*Clause 1st.*—Any person who shall import into any Zilla subordinate to Bombay a slave for sale, (and sell within one year after importation, shall be deemed conclusive proof, that such was the object of the importation) shall be punishable, if the slave be of ten years of age or upwards, with fine, or ordinary imprisonment not exceeding one year, or both, and if the slave be under ten years of age, with fine, or ordinary imprisonment, or both; and further, the simple importation of a child under ten years of age in a state of slavery, except in time of famine, or immediately after, and on written permission granted by the Magistrate, is hereby declared illegal, and will be visited with the retributive measures described in Section XXXII.

how punishable.

children imported as slaves except in a famine, to be set free.

Export of slaves without leave,

Clause 2nd.—Any person who shall export a slave from a Zilla subordinate to Bombay, into foreign territory, without first obtaining a written permission from the Magistrate, whose duty it shall be to grant the same only when satisfied that the object is not sale, will be punishable with fine, or ordinary imprisonment not exceeding one year, or both, and the slave on returning to the Bombay territories, shall be held to be free.

the slave on returning becomes free.

Sales of slaves are punishable.

SECTION XXXI.—In addition to the preceding rules, the following sales of slaves within the Zillas subordinate to Bombay are declared to be illegal, and all persons concerned therein, either as buyers or sellers, will be punishable with fine, or ordinary imprisonment or both.

if not registered.

First.—All sales whatever, not registered by the Magistrate, whose duty it shall be, after due investigation to grant or withhold such registration and a certificate thereof, according as the rights of the parties and the provisions of the Regulations may seem to require.

if a young child and its mother are separated,

Second.—Any sale of a female slave having a child under ten years of age, by which such child is separated from her.

if the slave be not ten years old, unless in a famine,

Third.—Any sale of a child under ten years of age, though already in a state of slavery, except in time of famine.

if the sale be of a child into slavery, except by his parent in famine, a right of redemption remaining,

Fourth.—Any sale of a child into slavery, except in time of famine and by one of the parents, in which case a right of redemption at the price of sale shall be reserved to either parent and the child, for the period of ten years.

if of a female for prostitution.

Fifth.—Any sale of a female for common prostitution.

Slaves illegally imported or sold, are set free, and may be sent to their homes at the offender's expense.

SECTION XXXII.—Whenever an importation or sale of a slave has been pronounced to have been illegally made, the slave becomes thereby emancipated, and if Government shall so determine; on a report to be made by the Zilla Magistrate, if the case shall have been decided by him, and by the Criminal Judge in all other

instances,

instances, a fine commutable into imprisonment according to their jurisdiction, shall be imposed on the offender by those authorities respectively, and shall be expended when realized in re-exporting the emancipated slave to his own country.

Wrongful confinement

SECTION XXXIII.—*Clause* 1*st*.—The detention of any person in unlawful confinement by force, or threats from their nature and extent reasonably to be deemed sufficient to deter the person threatened from attempting to escape, and apparently in the power of the offender to put in execution, shall be punishable with fine or imprisonment not exceeding five years, or with both.

how punished

The stealing of a child or idiot,

Clause 2*nd*.—Stealing or forcing a child or idiot from its parents or guardians, or using force or threats, as defined in the preceding Clause, to deter them from attempting to recover it, shall be punishable with fine, or imprisonment not exceeding ten years, or with both.

how punished

reference to the law against the pressing of coolies

Clause 3*rd*.—The penalties attached to the pressing of coolies or begaries, the definition of that offence, and the measures which the Magistrate is directed to pursue, in order to bring to justice any person committing it are recited in Regulation XII. A. D. 1827, Section XVII.

Intimidation when effected by threats of ill inflicted violence,

SECTION XXXIV.—Any person who, in seeking compliance with a demand, execution of an egagement, or redress or revenge for an injury, any of the same being either real or imaginary, shall pursue measures, which though immediatly injurious to himself or to his own connexions only, are yet in the imaginations of the populace supposed to produce evil to the party towards whom they are directed. (as in Traga, or Dhurna) shall be punishable with fine, or imprisonment not exceeding one year, or both combined.

how punished

When effected by threats of other violence.

SECTION XXXV.—Any person who shall pursue the objects recited in the preceding Section, by conveying threats of committing violence or injury of any nature in a manner different from that described in the preceding Section, (as by Jhansa) shall be punishable with fine, imprisonment not exceeding five years, or flogging, or any of these combined.

how punished.

CHAPTER VI.

OF OFFENCES AGAINST PROPERTY AND THE PUNISHMENTS TO WHICH THEY ARE LIABLE: COMPRISING,

Gang Robbery.
Robbery.
Theft.
Breach of trust.
Receiving stolen goods.
Destroying property.

Robbery

SECTION XXXVI—*Clause* 1*st*.—Robbery if forcibly or secretly taking away property so as to deprive the owner thereof, and if committed by a number of persons greater than four, it shall be considered gang robbery.

When to be considered Gang robbery,

any person present, and countenancing robbery,

is guilty of robbery;

Clause 2*nd*.—Any person acting in conjunction with another in robbery, by being present, or so near as to be able to aid its perpetration by giving notice of the approach of strangers, or otherwise, and countenancing it, shall, although not actively engaged, be deemed guilty of robbery.

robbery when deemed to be committed by night, and when by day

Clause 3*rd*.—Robbery committed after sunset and before the ensuing sunrise shall be considered as committed by night, and if after sunrise and before the ensuing sunset, then by day, and if in the perpetration any personal violence or restraint have been used towards any one, or any dangerous weapon produced, so as to cause reasonable fear, or if entrance into the place where the robbery was committed have been effected by breaking any fastening, or enclosure, the robbery shall be considered to have been accompanied with force.

and when to be considered accompanied with force.

Gang robbery with force, how punished.

SECTION XXXVII.—*Clause* 1*st*.—Gang robbery committed by day or night when accompanied with force, shall be punishable in any of the modes specified in Section III, except confiscation, the punishments of imprisonment, fine, and flogging being assignable singly, or combined, at the discretion of the Court

without force how punished, if committed by night, and if by day.

Clause 2*nd*.—Gang robbery without force, if committed by night, shall be liable to the punishments of imprisonment, fine and flogging, singly or combined; and, if committed by day, it shall be punishable in the same manner, except that the period of imprisonment shall not exceed ten years.

robbery with force, is punishable as gang robbery.

Clause 3*rd*.—Robbery committed by day or night when accompanied with force shall be punishable in the same way as prescribed for gang robbery so committed in the first Clause of this Section.

Clause 4th

without force how punished, if committed by night,

and if by day.

Clause 4th.—Robbery without force, if committed by night, shall be punishable with fine, imprisonment not exceeding ten years, or flogging, or any of these combined; and, if by day, it shall be punishable in the same manner, except that the period of imprisonment shall not exceed seven years.

Attempts how proved.

SECTION XXXVIII.—An attempt to commit robbery or gang robbery, punishable as prescribed by Section 1, Clause 2nd, is committed by some one of the circumstances specified as a definition of force in the Third Clause of Section XXXVI, having taken place, or by the culprit having made use of words or actions evidently and immediately indicating an intention to resort to some of them, or by his joining a gang of robbers or by his having actually taken hold of, or removed the article attempted to be stolen.

Petty thefts,

how punishable.

SECTION XXXIX.—Robberies which, from the smallness of the amount stolen, the want of care used in securing the property, the absence of cause for personal fear, or other such reasons, may be considered trivial in their nature and consequences, shall be punishable as thefts, with fine, ordinary imprisonment not exceeding six months, flogging not exceeding twenty-five stripes, public disgrace, or personal restraint, or any of these combined.

Appropriation of property by breach of trust,

how punished.

SECTION XL.—An person fraudulently removing or keeping from its owner property so entrusted to his charge or disposal, as to enable him to do the same without employing either the force or secrecy which would constitute robbery according to the first Clause of Section XXXVI, shall be punishable with fine, or ordinary imprisonment not exceeding seven years, flogging, or public disgrace, or any of these combined.

Receivers,

how punished.

SECTION XLI.—*Clause 1st.*—Any person receiving property knowing or having evident ground for suspecting such property to be stolen, or fraudulently withheld from its owner, without immediately giving information thereof to some public officer, shall be punishable with fine, ordinary imprisonment not exceeding five years, flogging, or public disgrace, or any of these combined.

declaration of the right by the lawful owner

Clause 2nd.—No person shall be deemed to have a right to property stolen or fraudulently withheld in supercession of the right of the owner or his legal representative, but this shall not operate to prevent the receiver from recovering an indemnification from the person from whom he received the property.

Punishment on destroying certain property by fire or otherwise,

how punished.

SECTION XLII.—*Clause 1st.*—Any person who shall wilfully and wrongfully set fire to, or otherwise damage or destroy any part of a dwelling house, or building appertaining thereto, or property contained in a dwelling house, or building or enclosure appertaining thereto, or crops standing or reaped in the field, shall be liable to any of the punishments specified in Section III of this Regulation, and if the punishment awarded consist of fine, imprisonment, or flogging, they may be combined.

of other property generally, how punished.

Clause 2nd.—Any person forcibly or secretly destroying or injuring the property of another, shall be punishable with fine, ordinary imprisonment not exceeding five years, or flogging not exceeding fifty stripes, or any of these combined.

Trivial injuries or mischiefs done to public property, how punished;

exception as to the permitted appropriation of grass, wood &c.

Clause 3rd.—Wilfully injuring any public edifice, well or machine, or any public fence, landmark, water course, or road, or generally any work or object of public utility, shall be punishable with fine, ordinary imprisonment not exceeding six months, or flogging not exceeding twenty-five stripes, or any of these combined; but this Clause is not to be considered applicable to the use of pasture, fuel, or other productions in an authorized way and by persons authorized so to benefit by them.

REGULATION XV. A. D. 1827.

[Branch of Criminal Judicature.]

A Regulation containing Rules under which Landholders may be invested with Police Authority within their respective land, or other convenient limits, and deprived of the same; and declaring the mode of procedure to be followed in regard to them in criminal matters.—Passed by the Governor in Council on the 1st *January* 1827, *corresponding with the* 4th *Poush Sood Sumbut, or Vikramjeet Era* 1883, *Salbahan* 1748, *and* 2nd *Jummad-yool Akhir* 1242 *of the Hijree.*

Consisting of two (2) Chapters, as below:

NUMBER OF CHAPTER.	TITLE.	COMMENCING SECTION.
I.	Of the appointment of landholders to the police jurisdiction within their lands, or other convenient limits, and of the extent and nature of the authority conferred upon them, and mode in which it may be withdrawn.....	I.
II.	Of the mode of procedure to be followed in criminal matters in regard to landholders invested with police authority under this Regulation.....	XIV.

REGULATION XV. A. D. 1827.

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A Regulation containing Rules under which Landholders may be invested with Police Authority within their respective land, or other convenient limits, and deprived of the same; and declaring the mode of procedure to be followed in regard to them in criminal matters.—Passed by the Governor in Council on the 1st *January* 1827, *corresponding with the* 4th *Poush Sood Sumbut, or Vikramjeet Era* 1883, *Salbahan* 1748, *and* 2nd *Jummad-yool Akhir* 1242 *of the Hijree.*

Preamble.

WHEREAS it is in some cases expedient, with the view of securing the exertions of individuals of rank and influence in aid of the Police and of public justice, that landholders should be entrusted with the charge of the Police within their respective lands, or other convenient limits, and whereas it is further desirable, while conforming to the ideas of the people at large with regard to the claims of birth and station, to gratify the feelings of such landholders by establishing, in respect to them and the individuals of their families, a mode of procedure in criminal cases less imperative than that which is applicable to the community at large, the following Rules have therefore been enacted, to have effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose.

CHAPTER I.

Of the appointment of landholders to the Police jurisdiction within their lands, or other convenient limits, and of the extent and nature of the authority conferred upon them, and mode in which it may be withdrawn.

Landholders vested with Police authority when deemed expedient.

SECTION I.—In districts where such a measure may appear to him expedient, it shall be lawful for the Governor in Council to cause landholders to be placed in charge of the Police within their respective lands, or other convenient limits, under the provisions of this Regulation.

Landholders so vested to have a Sunnud specifying their duties,

And powers.

SECTION. II.—*Clause* 1*st.*—When a landholder is placed in charge of the Police by virtue of the preceding Section, a Sunnud shall be issued to his address, specifying the territorial bounds of his jurisdictions, reciting generally the duties which the landholder is bound to perform, and containing as precise a specification as possible of the offences which he is empowered to try, as also the extent of punishment which he is authorized to adjudge. The jurisdiction of the landholder may extend to the trial of petty thefts, assaults, and affrays, abuse calculated to produce a breach of the peace, and contempt of the authority of the head of a village; and to infliction, singly or combined, of ordinary imprisonment without labour for two months, fine amount-

CHAPTER I.

Which are of two ranges.

ing to thirty (30) Rupees, commutable into imprisonment, included in the above-mentioned term, public disgrace and personal restraint; or the said jurisdiction may be limited to the trial of trivial assaults and affrays, abuse, and contempt of the village head authority, and to the infliction of the following punishments, singly or combined: personal restraint for a period not exceeding eight (8) days, fine not exceeding five (5) Rupees, commutable into personal restraint, within the said period, and confinement in the stocks for a period not exceeding twelve (12) hours continuous, or at intervals.

Sunnuds for the higher range issued by Government,

Others by the zilla magistrate,

Clause 2*nd.*—The Sunnud shall be in the form contained in Appendix A, but in the language of the zillah, and when the more extended range of authority is conferred, shall be issued in the name of the Governor in Council, the zilla magistrate retaining a copy, and in other cases by the zilla magistrate, under the sanction of Government previously obtained.

Who is also to furnish landholder with copies of Regulations.

Clause 3*rd.*—The zilla magistrate shall, on transmitting the Sunnud to the landholder, furnish him at the same time with a copy of this Regulation, and of any other parts of the Code with which, in the exercise of his Police authority, it is important to him to be acquainted.

The landholder to employ his retainers on Police duties,

And authorized to call for assistance from all persons,

Who are punishable for non-compliance.

SECTION III.—The landholder shall employ on the duties of Police the whole of his retainers and dependents of every description, or such portion thereof as he may deem expedient, together with the village establishments of the several villages over which his Police jurisdiction extends; and on occasions of necessity, such as the apprehension of public offenders, or the defence of the country against marauders, or an enemy, shall have authority to call for the services of the inhabitants at large of the district under his control; and any person withholding such assistance, shall, on proof of such fact, and of the urgency of the occasion, to the satisfaction of the zilla magistrate, be punishable by fine not exceeding six (6) Rupees, commutable to ordinary imprisonment, without hard labour, for a term not exceeding eighteen (18) days.

The landholder nominates his Police servants,

With the magistrate's consent in certain cases.

SECTION IV.—The nomination and dismission of the Police servants immediately under him shall be in the hands of the landholder, but no individual shall, without the zilla magistrate's consent, be nominated by the landholder to any situation in the Police, who may have been dismissed from his situation by the zilla magistrate or his assistant, or any higher tribunal.

Mode in which Police Officers of other parts of the zilla act within the landholder's local jurisdiction.

SECTION V.—It is to be clearly understood, that the zilla magistrate has authority, if he should deem it expedient, to empower all individuals on the several Police establishments under his orders to act within the limits of the landholder's jurisdiction in the same manner as beyond them, but such individuals shall be subject generally to the authority of the landholder, so far as is consistent with the execution of the zilla magistrate's orders.

Village Police establishments within the landholder's local jurisdiction act as elsewhere.

SECTION VI.—The duties of Police in the several villages comprised within the landholder's jurisdiction, shall be performed by their respective Police establishments, the head of each village and other village officers exercising, under the control and superintendence of the landholder and zilla magistrate, the same authority, and performing the same functions, respectively, as such officers do in other parts of the zilla; and it shall be the duty of the zilla magistrate to cause the landholder to be informed of the provisions of the general Regulations on this subject, and to enjoin him to see that they are conformed to within the limits of his jurisdiction.

Magisterial and Police duties of the landholder;

SECTION VII.—*Clause* 1*st.*—It shall be the duty of the landholder, with the means at his command, to maintain the public peace throughout his jurisdiction, to apprehend public offenders, to try and to punish offences according to the authority conferred on him by his Sunnud, to execute the orders of the zilla magistrate, and to keep the district Police Officers in the neighbourhood, and the zilla magistrate, well informed of all matters relative to the public peace and tranquillity, which it may import them respectively to know.

His power to punish misconduct on the part of his subordinate agents;

Clause 2*nd.*—The landholder is empowered to punish all neglects of duty in the Police authorities and Officers under his control, to the extent to which he is authorized to award punishment for criminal offences.

To summon and apprehend witnesses and others, search for stolen property,

Punish contempts,

Clause 3*rd.*—The landholder shall have authority to compel the attendance of witnesses and others in obedience to his summons, to make search for stolen property, under the restriction that dwelling houses shall not, without urgent necessity, be searched from sunset to sunrise, and to punish contempts of his authority or disrespect, by an adequate measure of personal restraint within the limits of the powers conferred on him.

And when requisite take security,

Clause 4*th.*—He shall also have authority to take the security of persons whom he may consider objects of suspicion, but no person shall, from failure to furnish security, be subjected by the landholder to a longer period of restraint than the landholder is authorized to adjudge as punishment; but if security be not furnished at the expiration of that period, the prisoner shall be forwarded to the zilla magistrate, by whom such order shall be passed in conformity with the Regulations as the case may require.

The prisoner after an interval being sent to the zilla magistrate.

The landholder's penal cognizance ends in three months.

SECTION VIII.—No offence whatever shall be punished by the landholder which shall have been committed three months before the complaint was made.

General rules of the landholder's procedure.

SECTION IX.—The examination and trial of persons charged with offences shall be conducted by the landholder in conformity to the leading rules in the general Regulations: neither terror nor violence shall be employed to produce a confession on the part of the accused; written evidence shall be read in his presence, oral evidence shall be in like manner delivered by the deponent, whom he shall be allowed to cross-examine; and such witnesses also as he may name on his defence shall be made to attend on his trial, and all written and oral evidence on his part shall be received and recorded in the same way as the evidence on the part of the prosecution.

His record.

SECTION X.—The landholder shall, in all cases of punishment awarded by him, keep a record, which shall specify the name of the offender, the offence of which he was convicted, and the punishment: and whenever the punishment shall exceed a fine of three (3) Rupees, or ordinary confinement for five (5) days, or confinement in the stocks for six (6) hours, the whole of the proceedings shall further be recorded, and the records in both cases, or extracts therefrom, as may be required, together with all papers having connexion with the subject, shall be open at all times to the inspection of the zillah magistrate.

Convicts sentenced by the landholder to imprisonment to be sent

SECTION XI.—When a convict who has been sentenced by the landholder to imprisonment, is transmitted by him to the zilla magistrate to undergo his punishment, the landholder shall also forward the whole of the proceed-

to the zilla magistrate,
Who will consider the case,
And pass such sentence as may be requisite.

ings and original papers in the case to the zilla magistrate, who, after duly considering the same, and, if requisite, calling for further information, or summoning and examining witnesses, shall confirm the sentence passed by the landholder, or pass such other as he may consider more suitable to the case, being within the limits of his jurisdiction.

Serious offenders to be sent to the magistrate,

SECTION XII.—*Clause* 1*st.*—If a person charged with having committed an offence of a more serious nature than the landholder is authorized to try be apprehended within his jurisdiction, the landholder shall, after taking his examination, and the deposition of such witnesses as have attended, forward the prisoner and witnesses and the papers of the case to the zilla magistrate.

Within sixty hours.
Or with explanation of any further delay.

Clause 2*nd.*—No prisoner apprehended for transmission to the zilla magistrate shall be detained by the landholder for a longer period than sixty (60) hours without urgent necessity, and in that case a statement of the delay, and of the cause of it, shall be forwarded at the end of the specified period of sixty (60) hours to the zilla magistrate.

Government may, if it be found requisite, deprive a landholder of his Police jurisdiction,

SECTION XIII.—*Clause* 1*st.*—The Governor in Council may, after receiving a report from the zilla magistrate, or other higher authority in the department of criminal justice, direct, that a landholder be deprived of his Police authority, and that the lands over which it extended, be placed under the ordinary administration of Police.

Which will then be annulled by proclamation by the zilla magistrate.

Clause 2*nd.*—The zilla magistrate, on receiving the orders of Government to divest the landholder of his Police charge, shall cause a proclamation to that effect to be published throughout the districts concerned, and the authority of the landholder as head of the Police within such districts shall cease from the date of such proclamation.

CHAPTER II.

Of the mode of procedure to be followed in criminal matters in regard to landholders invested with Police authority under this Regulation.

Exception of special cases duly notified from the operation of the succeeding Rules.

SECTION XIV.—The Governor in Council, with the view of rendering certain landholders amenable, as far as practicable, for offences, to his immediate authority alone, reserves to himself the power of announcing by communication to the requisite public Officers and to the landholders concerned, and also by proclamation, the particular jurisdiction and procedure to which they will be subjected in criminal matters; but if such special directions be not issued, the succeeding provisions of this Regulation shall constitute the law upon that subject.

The magistrate to hear and investigate charges against the landholder,
But with reservation if it retards his Police duties.

SECTION XV.—*Clause* 1*st.*—The zilla magistrate shall receive and hear all complaints against the landholder, provided, however, that it shall not be incumbent upon the zilla magistrate to investigate the subject of any complaint against a landholder in his character as head of the Police, which shall not bear upon the face of it appearance of probability that injustice has been done to such an extent as to call for his notice and intervention.

Power of the magistrate as to punishing the landholder.

Clause 2*nd.*—The zilla magistrate's power in regard to punishing offences committed by the landholder, shall extend to ordinary imprisonment for a period not exceeding one year, and fine according to the Regulations: offences committed by the landholder, which cannot be adequately punished

under the preceding rule, shall be tried by the Court of Circuit, or a special Court, as the nature of the case may require, the zilla magistrate committing the landholder for trial under the rules contained in Regulation XII. A. D. 1827, Section XIII. Clause 3rd.

On complaint made against the landholder, the zilla magistrate to require him by letter to attend,

SECTION XVI.—*Clause 1st.*—When a complaint has been entertained against a landholder, the zilla magistrate shall address a sealed communication to him, giving notice of the accusation, and calling upon him to attend, with such proof as he may have to produce, at his office, on a specified day, to answer to the charge.

Or leave his attendance optional;

Clause 2nd.—Or he may, at his discretion, specify it to be at the option of the landholder, to attend at the investigation in person or by vakeel.

Though, if necessary, he may cause him to be apprehended.

Clause 3rd.—Provided always, that if the zilla magistrate should deem it probable that the landholder will abscond, he shall, in such case, cause him to be apprehended by warrant, and held to bail, or confined under the general Regulations.

The order in the case to be communicated to the landholder if he were not present.

SECTION XVII.—If the landholder shall not have been present at the investigation, a copy of the order passed upon the case shall be delivered to any person who may have attended for him, and if no person shall have attended, shall be forwarded under a cover to the landholder.

The trial of a landholder by the Court of Circuit and Special Court may be conducted privately, if he wishes it;

And forms of courtesy will be observed.

SECTION XVIII.—The trial of a landholder by the Court of Circuit or by a Special Court shall be subject in all respects to the rules contained in the general Regulations, except that it may, if the Court shall see fit, be conducted privately; provided always, that no one be excluded whom the landholder should wish to be present: any form of courtesy and consideration due to the rank of the accused shall also be observed.

Breaches of duty by landholders how punishable.

SECTION XIX.—Abuse of power, denial of justice, or other similar offences on the part of the landholder, proceeding from an unfaithful discharge of his official duties, shall be punishable criminally with fine and imprisonment not exceeding five (5) years.

Certain relatives of landholders are open to their privileges.

SECTION XX.—The rules contained in Section XV. Clause 2nd, and in Sections XVI. XVII. and XVIII. shall be applicable to the landholder's relatives, residing with him, and under his protection.

APPENDIX A.

Form of Sunnud vesting a landholder with Police jurisdiction under the provisions of Regulation XV. A. D. 1827.

(Seal.)

The Governor in Council, (or zilla magistrate of) reposing confidence in the integrity, discretion, zeal, and good faith of (here enter the landholder's name and title), hereby places him, under the provisions of Regulation XV. A. D. 1827, in charge of the Police in (here specify the tract of country concerned), within the zilla of with powers to try offences such as (here enter as minute an enumeration of the offences punishable by the landholder as can conveniently be made), and to adjudge punishments not exceeding (here specify the limitation of punishment). It is the duty of the said to superintend the correct discharge of their duties by the Officers of village Police in the several villages comprised within the limits of his Police charge, and by means of the Police Officers and servants under his control to maintain the public peace, to apprehend all public offenders, to execute the orders of the zilla magistrate, and to keep him, and the Police Officers stationed in the vicinity of his jurisdiction, well informed of the appearance of plunderers, or other public offenders within or near his jurisdiction, of threatened inroad or attacks, and of all matters whatever which it may import them in the discharge of their public duties to know, and to maintain; and to cause all Police Officers under his control to maintain a strict observance of the provisions of Regulation XV. A. D. 1827, and of all other rules and orders to which he may be specially directed to conform by the zilla magistrate.

(Signed) A. B.,
Secretary to Government in Judicial Department,
or Zilla Magistrate.

BOMBAY CASTLE,
OR ZILLA MAGISTRATE'S OFFICE,
18—.

(Revenue Branch.)

REGULATION XVI. A. D. 1827.

A REGULATION *defining the duties of the Collector, and his powers in regard to Subordinate Revenue Officers, and providing Rules for the guidance of Land Revenue Officers in general throughout the Territories Subordinate to Bombay.*—PASSED *by the Governor in Council on the* 1st *January* 1827, *corresponding with the* 4th *Poush Sood Sumbut or Vikramjeet Era* 1883, *Salbahan* 1748, *and* 2nd *Jummadyool Akhir* 1242 *of the Hijree.*

Consisting of three (3) Chapters, as below.

NUMBER OF CHAPTER.	TITLE.	COMMENCING SECTION.
I.	*Of the Appointment and duties of the Collector and his Assistants.*	I.
II.	*Of Native Collectors of districts, and other Native Officers on the regular establishment of the Collector.*	IX.
III.	*Of hereditary district and Village officers, inclusive of Village Accountants.*	XVII.

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Preamble.

WHEREAS it is essential to a correct knowledge and observance of the principles of revenue administration, that the duties of Collector should be fully defined, that the appointment, suspension and dismissal of all Native Servants and European Clerks on his establishment should be vested under certain restrictions in the Collector; that the prohibitory enactments of the law in regard to Revenue Officers, and the penalties attendant on the breach of them, should be distinctly recorded, and that provision should be made for the efficient discharge of the duties attached to the situations of hereditary Districts and Village Officers and Servants, the following Rules have been enacted to have effect throughout the Zillas subordinate to Bombay from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose.

CHAPTER I.

OF THE APPOINTMENT AND DUTIES OF THE COLLECTOR AND HIS ASSISTANTS.

Appointment of the Collector.

SECTION I.—There shall be a Collector appointed to each Zillah, or such other division of Territory as the Governor in Council may determine, and he shall act according to the instructions of Government in all matters not specifically provided for in a Regulation.

His duty to collect the Revenue.

Punish over exactions.

SECTION II.—*Clause* 1*st.*—It shall be the duty of the Collector to assess and collect the several descriptions of Public Revenue entrusted to his management (when there is no specific enactment for his guidence) according to the established usage; but Revenue Demands, of whatever kind, shall be enforced, and all undue exaction shall be punishable, according to the Rules contained in Regulation XVII, A. D. 1827, Chapters III. and IV.

And try certain Suits and Land Revenue exemptions.

Clause 2d.—The Collector shall further decide certain civil suits, and try claims to exemption from the payment of Land Revenue as more particularly specified in Regulation XVII, A. D. 1827, Chapters VIII and X.

His Oath.

SECTION III.—*Clause* 1*st.*—Previous to entering on the duties of his Office, the Collector shall take the Oath prescribed by 33rd George III, chapter 52, Section 61, as contained in Appendix A to this Regulation.

Where to be taken.

Clause 2*d.*—The Oath shall be taken either before His Majesty's Supreme Court of Judicature for Bombay, the Court of Sudder Adawlut, any Judge on Circuit in the Zilla to which the Collector may be appointed, the Judge of that Zilla, or such other person as may be deputed or authorized to administer it by an order of the Governor in Council.

A copy to be recorded in the Zilla Court and the other to be sent to Government.

Clause 3*d.*—One copy of such Oath shall be recorded in the civil court of the Zilla to which the Collector is appointed, and another shall be transmitted to the Governor in Council for his information.

Section IV

His Seal.

SECTION IV.—*Clause* 1*st.*—Each Collector shall use a circular seal, one inch and three quarters in diameter, bearing the following inscription in English, and in the language and character most generally used in the collectorship, viz. "*The Collector* of——."

Where to remain.

Clause 2*d.*—The seal shall remain in the custody of the Collector.

Appointments of Assistants.

SECTION V.—Each Collector shall have so many Assistants as the Governor in Council may deem it expedient to appoint; they shall be called "*First*," "*Second*" &c. as may be expressed in the order of appointment; they shall, previously to executing the functions of their Office, take before the Collector, or before any of the authorities enumerated in Section III, clause 2nd, the Oath specified in clause 1st of that Section; they shall perform such duties as the Collector may assign to them, and shall use his seal.

Their Oaths and duties.

Collectors and other Revenue Officers how amenable to the Zilla Court.

SECTION VI.—*Clause* 1*st.*—All Collectors of the Revenue, their Assistants, and Native Officers, shall, with respect to acts done by them in their official capacities, be subject to the Jurisdiction of the Zilla Civil Court.

And when liable to pay costs and damages.

Clause 2*d.*—And the Governor in Council, when acts unauthorized by the Regulations appear to have been done wilfully, or from gross ignorance or neglect, may, in passing the Collector's accounts, check the costs and damages incurred in any Suit on account of such acts.

Collectors and Assistants to confine their public and private servants to their respective duties.

SECTION VII.—*Clause* 1*st.*—No Collector or Assistant Collector shall employ any Public Servants in his private affairs, nor any Private Servants in his public duties:

Prohibitions against Collectors and Assistants holding farms or being privately concerned in the Revenue.

Clause 2*d.*—No Collector or Assistant Collector shall hold directly or indirectly any farm, or be concerned on his private account in the collection or payment of the Revenue.

And against their being engaged in trade.

Clause 3*d.*—No Collector or Assistant to a Collector shall directly or indirectly carry on any trade, nor be concerned in any commercial transaction whatever, either as Principal or Agent, and this Rule is declared to include a prohibition to purchase directly or indirectly any Goods or commodities for the purpose of remitting Money to Europe or elsewhere.

Penalties of disobedience.

Clause 4*th.*—The Governor in Council after enquiry, either before himself or by a commission to be instituted for the purpose, will suspend or dismiss all officers guilty of any breach of the enactments in this Section.

A Collector leaving his Office, to transfer it to the highest Assistant present.

SECTION VIII.—*Clause* 1*st.*—When a Collector resigns, or is removed from his office, or when he quits his collectorate or his office on leave, or is obliged to leave it from ill health, or from any other cause, he shall make over his Office to his Assistant of highest rank on the spot, unless other provision has been made by Government, and such assistant shall, until the arrival of orders from Government, or a Successor to the Collector, perform all the functions of Collector.

And report to Government.

Clause 2*d.*—A Collector on his quitting his station from any cause whatever, shall report to the Governor in Council the date on which he made over charge of his office to his successor or Assistant.

On the death of a Collector the highest Assistant present to take charge of the Office.

Clause 3*d.*—On the death of a Collector, or, in the event of his being by any other cause prevented from making over charge, as directed in Clause 1st of this Section, on his ceasing to discharge the functions of his office, the Assistant of highest rank actually in the Zilla, shall in like manner perform the duties of his Collectorate till the receipt of the orders of Government or the arrival of a successor to the Collector.

REGULATION XVI, A. D. 1827.

CHAPTER II.

OF NATIVE COLLECTORS OF DISTRICTS AND OTHER NATIVE OFFICERS ON THE REGULAR ESTABLISHMENT OF THE COLLECTOR.

Subordinate Officers on the Collector's establishment how appointed, suspended and dismissed, and punishable by fine for misconduct.

SECTION IX.—*Clause 1st.*—The appointment, suspension and dismissal of all Native Servants and European Clerks on the establishment of the Collector are, under the general control of Government, vested in the Collector, who shall further have authority to punish them for misconduct and neglect of duty, by imposing a forfeiture not exceeding two months' pay, and to levy the same in the mode authorized for realizing revenue demands.

But certain cases the Collector's reasons must, be recorded and reported.

Clause 2d.—Provided, however, that whenever the Collector shall dismiss an officer on his establishment, who is in the receipt of a monthly salary amounting to thirty (30) Rupees, he shall record his reasons at length in the language of the country, and transmit to Government an English translation of such record.

And officer subject to a criminal prosecution may be suspended.

Clause 3d.—When any officer of the Collector is subjected to a criminal prosecution, either at the instance of the Collector or any other person, the Collector may suspend him, pending such prosecution:

And subsequently dismissed.

Clause 4th.—At the close of the prosecution, the Collector shall, on consideration of all the circumstances brought to light during the trial, be at liberty to dismiss or suspend the person tried, whether he may have been found guilty or acquitted.

A report being made to Government in certain cases.

Clause 5th.—But if the proceedings relate to an officer in the receipt of a monthly salary amounting to thirty (30) Rupees, the Collector shall in the case of dismission report the same, with the reasons thereof, to the Governor in Council.

Decision of Government how regulated.

Clause 6th.—And the Governor in Council shall in all cases of suspension or dismissal by a Collector, have the power to confirm, mitigate or annul such punishment, and, when the dismissal of an officer is confirmed, may further declare him incapable of again serving the Government.

Komavisdars and others to hold no appointment under the Collector or Zilla Magistrate.

SECTION X.—No Komavisdar, or other Native Officer on the establishment of a Collector, shall hold any appointment, except such as may be on the establishment of the Collector or Zilla Magistrate.

Certain Revenue Officers and others prohibited from being privately concerned in the Revenue.

SECTION XI.—*Clause 1st.*—No Komavisdar, or other head Native Revenue Officer in any district, and no relative of such Officer, shall hold directly or indirectly any farm, or be concerned on his private account in the Collection of the Revenue of any Lands within such district.

Cashkeepers and others prohibited from using the Public Money, engaging in trade and receiving presents.

Clause 2d.—No Cashkeeper, Komavisdar, or other Native Officer, however designated, who may be entrusted with the charge or collection of the Public Money, shall make use of such Money, either for his own advantage, or for that of any other individual, or carry on trade, or be concerned in any commercial transaction whatever, either as principal or agent, or shall receive a Nuzzur or present of any amount or description.

Penalty enforced criminally.

Clause 3d.—And breach of any of the provisions of the foregoing Clauses of this Section shall be deemed a Criminal Offence, and shall be punished by fine and imprisonment, provided that the period of imprisonment, both as punishment, and as commutation for fine, shall not exceed seven (7) years:

Extension in these cases of the jurisdiction of the Magistrate and of that of the Criminal Judge without reference.

Clause 4*th*.—The penal jurisdiction of the Collector as Magistrate, in the cognizance of the Offences specified in the preceding Clauses of this Section, shall extend to imprisonment for the period of three (3) years inclusive of the commutation for fine: the absolute juridiction of the Criminal Judge shall in the said cases extend in like manner to imprisonment for five (5) years: Sentences of imprisonment for a longer period passed by the Criminal Judge whose juridiction under Regulation XIII, A. D. 1827, Section XIII, extends to seven (7) years, shall be referred with the cases to the Sudder Foujdaree Adawlut, according to the Rules contained in Clause 2d of the said Section.

A Civil Suit may also be instituted.

Clause 5*th*.—Nothing contained in the preceding clauses shall be held to bar the person of whom a present has been received, in violation of the provisions of Clause 2nd of this Section, from recovering the amount by Suit in the Civil Court.

The Collector may take the security of certain Officers.

SECTION XII.—*Clause* 1*st*.—The Collector may, if he should deem it expedient, take security for the personal appearance of all Native Officers on his establishment entrusted with the receipt, payment, or custody of Public Money, or the charge of public papers or Accounts.

Form of the security.

Clause 2*d*.—The Security Bond shall be in the form contained in Appendix B.

New security when exigible.

Clause 3*rd*.—The Collector may require a new surety from any Public Officer employed by him, if he considers that those previously accepted, whether by himself or his predecessors, are insufficient: and, in case of the said Officer failing to give such security one month after it is required, the Collector may suspend or dismiss him.

And consequence of failure to furnish it.

A surety not producing the principal may be proceeded against in the same way as the principal.

SECTION XIII.—*Clause* 1*st*.—In case the surety shall not, when called upon, produce the Officer for whom he has become security, he shall be answerable for all demands that the Collector may have against the Officer, for public money, papers or accounts, and be liable to be proceeded against, until the Officer, is produced or apprehended in the same manner as the Officer himself, had he been forthcoming.

But must be liberated when the Officer is produced, though money levied will not be returned.

Clause 2*d*.—As soon as the Officer is produced or apprehended, the surety shall be set at liberty, but he shall not be entitled to recover back from the Collector, any sums of money which may have previously been levied from, or paid by him,

Demands for Money or Papers to be made known by writing by the Collector to the Officer concerned.

SECTION XIV.—*Clause* 1*st*.—The Collector, in all cases in which he may have a claim on any Native Officer upon his establishment, for public money or papers, shall, by writing under his Official Seal and Signature, require the money or the particular papers detained, to be delivered either immediately to the person bearing the said writing, or to such person, on such date, and at such place as the writing may specify.

Who may be arrested, if he does not deliver them, and confined in Jail.

Clause 2*d*.—If the Officers shall not discharge the money, or deliver up the papers as directed, the Collector may cause him to be apprehended, and may send him to the Judge to be confined in the Zilla Jail, till he discharges the sum, or delivers up the papers demanded from him.

His property also may be attached and his moveable property sold.

But not his immoveable property without orders from Government.

Clause 3*d*.—The Collector may also attach and sell his property, whether moveable, or immoveable, and whether in his own or other Zillas, in the same way, and under the same Rules, as are prescribed for attachment and sale of the moveable property of defaulters for Revenue Demands; provided that no immoveable property shall be sold without the sanction of Government.

Clause 4th.—And if a Native Officer should not have been found, or should have failed to attend when called on, and it should thereafter appear in any action before a competent court, that a part only, or that no part whatever of the sum demanded, was due from the Officer so absconding, or that he was not in possession of the papers required from him, the Collector shall not be liable to any damages for having confined him, or his surety, or to any costs of Suit.

And the Collector shall not in any event be liable in damages.

SECTION XV.—*Clause 1st.*—If an Officer or his surety, against whom a demand is made, shall give, before the Collector or Judge, sufficient security, that he will either institute a suit in court in fifteen (15) days against the Collector to try the demand; and will pay the sum decreed against him, together with the costs and interest so decreed; or that, in case of his failing so to institute such Suit, he will, when required, pay the amount demanded, the Collector or Judge shall cause such Officer or surety, if in custody, to be liberated, and countermand the sale of any property that may have been attached, and restore it to the owner.

An Officer or Surety in Jail may by furnishing certain security obtain his enlargement.

Clause 2d.—And any such Officer or surety, if in custody, may transmit a representation of his case to the Governor in Council, through the Judge, who shall be bound to forward the same.

And shall be entitled to have any petition duly transmitted to Government

SECTION XVI.—In case of the death of an Officer who may have given security according to this Regulation, the surety shall be discharged from all responsibility, except in matters and for sums which may already have been demanded, to be made good by the surety, but the heirs of the deceased Officer shall be liable by a suit in the civil court for any claims which Government may have against the deceased, in the same way as they would be for similar claims made by an individual.

The security ends with the life of the Officer.

Whose heirs are liable according to Law.

CHAPTER III.

OF HEREDITARY DISTRICT AND VILLAGE OFFICERS, INCLUSIVE OF VILLAGE ACCOUNTANTS.

SECTION XVII.—*Clause 1st.*—The hereditary District Officers, and the Village Officers and Servants shall, each in his station, render the usual services of his Office, as far as the same may be required by the Collector, under the penalty of suspension from Office, pay, and emolument.

Hereditary District and Village Officer liable to suspension for neglect of duty

Clause 2d.—They shall further be liable to dismission from Office, but no such dismission shall take place, except on an investigation recorded in writing; and further, the dismission shall be reported, with the reasons thereof, by the Collector to Government.

And to dismission on investigation made and report to Government.

Clause 3rd.—In conducting the investigation prescribed in the preceding clause, the Collector shall have the same authority to examine witnesses on oath as he possesses as Magistrate, and refusal to give evidence; prevarication and perjury shall be punishable alike in both cases.

Authority for conducting such investigation.

Clause 4th.—If the duties of the Office are performed in rotation by several sharers, it shall be competent to the Collector to enforce an arrangement by which each Officiator shall, unless dismissed by the Collector, continue in office for three (3) years or the sharers may at their option select one of their number to be constituted, with the Collector's sanction, the hereditary Officer.

If rotation prevails, the period of service may be made three years, or the sharers may elect a permanent Officer.

SECTION XVIII.—If any hereditary district Officer is incapable of personally discharging the duties of his Office from minority, or bodily or mental infirmity, it shall be competent to him or to his guardians, to appoint a deputy, and such deputy so appointed shall be subject to the same rules as the principal.

A deputy to an hereditary District Officer when and how appointed and subject to what rules.

SECTION XIX

Emoluments of hereditary Offices to be recorded in a book.

SECTION XIX.—*Clause 1st.*—It shall be the duty of Collectors to record in a book, to be kept for that purpose, the land and allowances attached to hereditary District or Village Offices.

Specifying all particulars.

Clause 2d.—The record shall specify the extent and value of the lands, and the different sources from which the allowances are received, whether from land, ready money, fees, or other perquisites, from villages and trades, or from the treasury of Government, with their amount, and in each case, as far as possible, the origin and duration of such allowances.

Official allowances derived by a sole officiator remain with the office.

SECTION XX.—*Clause 1st.*—The allowances so derived by a sole proprietor or occupant of a herditary District or Village Revenue Office, shall in future be considered strictly as the Official remuneration of the person filling the Office, and as such, shall not be subject to alienation by any incumbent.

Derived by a co-sharer remain with the family, and on reverting to a sole officiator remain with the office.

Clause 2d.—Official emoluments enjoyed by a co-sharer of any hereditary District or Village Revenue Office shall not leave the family in which the Office is vested; and if they revert to a sole proprietor or occupant of the Office, they shall thenceforth follow the provisions of the preceding Clause.

Special rules regarding the duties of Village Accountants.

SECTION XXI.—And whereas the great importance of the Office of Village Accountant to the ascertainment and preservation of the interests both of Government and its subjects renders it necessary that special rules should be framed, with the view of defining the duties of that situation, and providing for their efficient discharge, it is hereby enacted, that the said duties, as described in the succeeding sections of this Regulation, shall be performed by the hereditary Village Accountant, if there be one, under the rules applicable to hereditary Village Officers; and, if there be no such Person, the Collector may, with the sanction of Government, appoint a Person to be Village Accountant, who shall hold his situation under the rules in force with regard to the Officers of the Collector's regular establishment.

To be performed by the hereditary officer if there is one.

Otherwise by an appointed Officer.

Accounts, registers and other documents to be kept by the Village Accountant.

SECTION XXII.—*Clause 1st.*—It shall be the duty of the Village Accountant, to frame and keep, according to the directions of the Collector, the following documents or such of them as the Collector may desire, viz. the Revenue Accounts of the Village, which shall be kept in such a form to be established by the Collector as may afford to each cultivator an intelligible statement of his account; registers of all the lands of the Village, exhibiting such particulars as may be required regarding each respective field or garden, the occupant thereof, its tenure, its produce, the nature and extent of the Assessment which it pays, the nature, and extent of any exemption from the payment of Revenue which is enjoyed, and the ground of the same; also registers of grants and Sunnuds on which such exemption is enjoyed or claimed; also registers of fruit and timber trees bearing a specification of the respective rights of Government and individuals; also registers of Miscellaneous Taxes, of the emoluments of Districts and village Officers, the prices of grain in the Village at various periods; and generally, to procure and record any information connected with the resources of the Village which the Collector may require.

Copies to whom to be furnished.

Clause 2d.—Copies of the accounts and registers framed and kept by the Village Accountant shall, according to the orders which he may receive from the Collector, be furnished by him to the Collector, to the Komavisdar, hereditary District Officer, or other person appointed by the Collector to receive them.

Forms of all documents to be kept open to public Inspection.

Under penalty.

SECTION XXIII.—*Clause 1st.*—Forms of all accounts and registers framed by the Village Accountant, descriptive of their respective contents, shall be kept constantly exposed to view by the Village Ac-

countant at his residence, under pain, should he fail to do so, of punishment by the Collector, for neglect of duty, as a hereditary or appointed Officer, as the case may be.

Clause 2*d.*—The Village Accounts and Registers shall not be removed from the Village, unless with the permission of the Collector, but they may, without being taken from the custody of the Village Accountant, be inspected and copied, as well by the Officers of Government, as by any Person interested therein, and the Collector, upon application, shall authenticate copies so taken, provided that they be upon the Stamped Paper specified in Appendix F. to Regulation XVIII, A. D. 1827.

Accounts &c. not to be removed from the Village without due authority

But they may be inspected and copied

And copies will be authenticated.

SECTION XXIV.—*Clause* 1*st.*—It shall be lawful for the Village Accountant to enter upon, and inspect, as may be necessary, all the Lands of the Village, for the purpose of procuring the information required of him by the Collector, and to require all Persons to furnish such information, so far as they may be respectively concerned, and it shall be the duty of the head of the Village to prevent obstruction to the Village Accountant in the discharge of his duty, and to procure the attendance of Persons, when required before him, in the same way as before himself, in Police matters.

Authority conferred on the Village Accountant to enter on and examine lands

And to require information.

Receiving assistance from the Patell, who will cause witnesses to attend.

Clause 2*d.*—If a Person, whose attendance is required under the preceding Clause, is not to be found in the Village, the head of the Village shall report the case to the Collector, for his orders.

And if they are absent to report the circumstance.

SECTION XXV.—*Clause* 1*st.*—The Village Accountant shall have no authority to disallow any existing exemption from the payment of the Land Revenue.

The Accountant cannot annul an exemption from Revenue.

Clause 2*d.*—But if a Person enjoying such exemption under a written deed does not, when called upon, produce such deed for registry, the Village Accountant shall, if the Collector shall afford his sanction to the measure, enter the Land as liable to Assessment in the same way as if there were no title to exemption, and such land shall be assessed to the Revenue accordingly.

But if it rests on a deed which is not produced, may under authority register the land as liable to pay Revenue.

And it shall be liable.

Clause 3*d.*—Provided, however, that such Assessment shall cease at any time, when the holder shall register his deed, but without prejudice to the right of the Collector to proceed against the holder according to the Regulations, if he deems the title to exemption insufficient.

Until the deed is produced. When the claim will be examined.

Clause 4*th.*—When a grant or Sunnud has been registered by the Village Accountant, he shall endorse thereon the day on which it was registered, and the number of the page in the register in which it is entered, after which he shall attest the endorsement with his signature and return the grant or Sunnud to the Person who presented it.

Deeds produced shall be Registered by the Accountant and returned.

SECTION XXVI.—It shall be the duty of the Village Accountant, whenever called upon by the head of the Village, or by the Native Revenue or Police Officer of the district, to prepare all writings connected with the concerns of the village which are required, either for the use of Government or the Public, such as Notices, Reports of Inquests, and depositions and examinations in Criminal Matters, as well as to draw up Deeds of reference, Awards and other Papers in matters referred to Arbitrators as required by Regulation VII, A. D. 1827, Section IV, Clause 3rd.

Duties of the Accountant as the Penman of the Village.

SECTION XXVII.—*Clause* 1*st.*—A Village Accountant, who, with a fraudulent intention, makes a false entry in any of his accounts, or registers, erases or alters any entry therein, or is guilty of any other act of fraud in the exercise of his official functions, shall be deemed

Fraud in Village Accountants punishable as a Criminal Offence.

guilty

guilty of a Criminal Offence, and shall be punishable with fine and imprisonment, not exceeding as punishment and commutation the period of five (5) years.

As also receipt of presents.

Clause 2d.—The receipt of any present or valuable consideration by a Village Accountant shall likewise be punishable as specified in the preceding Clause.

And a Civil Suit may also be instituted.

Clause 3rd.—In the cognizance of the Offences specified in the two preceding Clauses, the Penal Jurisdiction of the Magistrate and the Criminal Judge shall be the same as recited in Section XI, Clause 4th, and the Criminal Proceedings authorized under this Section shall be no bar to the institution of an Action for Damages against the Village Accountant by any party injured.

APPENDIX A.

Form of Oath prescribed by Act of Parliament for an Officer of Revenue.

I, A. B., do promise and swear, that I will, to the utmost of my endeavour, well and faithfully execute and discharge the duties of an Officer of Revenue reposed in and committed to me by the United Company of Merchants of England trading to the East Indies, and that I will not demand, take, or accept, directly or indirectly, by myself, or by any other Person, for my use, or on my behalf, of, or, from any Rajah, Zemindar, Tallookdar, Polygar, Farmer, Renter or Ryut, or from any Tribute, Rent, or Tax to, or for the use of the said United Company, any sum of money or other valuable thing, by way of gift, present, or otherwise, over and above, or besides and except the actual Tribute, rent or Tax authorized to be taken by and for the use of the said United Company, and that I will justly and truly account for, answer, and pay all the Rents, Duties and other Revenues and sums of money, which shall come to my hands, or to the hands of any Person or Persons in trust for, or employed by me, as an Officer of the Revenue of the said Company, unto the said United Company.

So help me God.

APPENDIX B.

Form of Security Bond, to be passed by a Surety, for a Native Revenue Officer.

I, A. B. do hereby become security for the personal appearance of C. D. holder of the Office of——in the Collectorship of——if required by the Collector, and in failure thereof I shall be responsible for all demands that the said Collector may have against the said C. D. for Public Money, Public Papers, or Accounts, and be liable to be proceeded against, until the Officer is produced in the same manner in all respects as the Officer himself, had he been forthcoming.

Executed——this day of——in the year of——in the presence of the following witnesses.

E. T. } Witnesses. (Signed) *By the Surety.*
G. H. }

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